

**Town of Knox
Regular Meeting
July, 2017**

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

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance to the Flag followed by a moment of silence for Fred Oettinger an active member of Knox community as a volunteer firefighter and president of the historical society.

RESOLUTION # 99-2017 – MOTION TO CONVENE PUBLIC HEARING ON PROPOSED BUSINESS DISTRICT 2 AT INTERSECTION OF 156&157.

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

RESOLVED to convene the Public Hearing on proposed Business District 2 at the intersection of 156 & 157.

4. Presentations:

- b. Knox Youth Council Park Plan – working to complete grant will have something to act on at a later date.
- c. Senior Services – no one present
- d. Altamont Public Library not present
- e. Pucker Street Fair – Supervisor Lefkaditis thanked everyone for their help with the event. Diane Champion suggested more options for adults at the next fair. Supervisor Lefkaditis suggested starting a committee sooner next year for planning.

5. Minutes:

RESOLUTION # 100-2017 – MOTION TO TABLE MINUTES FROM 5.9.17 MEETING.

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

RESOLVED to table minutes from 5.9.17 meeting,

RESOLUTION # 101-2017 – APROVE MINUTES FROM 5.17.17 SPECIAL MEETING

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

RESOLVED to APPROVE minutes from 5.17.17 special meeting.

RESOLUTION # 102-2017 – MOTION TO TABLE MINUTES FROM 6.1.17 SPECIAL MEETING.

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

RESOLVED to table minutes from 6.1.17 special meeting,

RESOLUTION # 103-2017 – APPROVE MINUTES FROM 6.13.17 MEETING

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

RESOLVED to APPROVE minutes from 6.13.17 meeting.

RESOLUTION # 104-2017 – APPROVE MINUTES FROM 6.16.17 SPECIAL MEETING

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

RESOLVED to APPROVE minutes from 6.16.17 special meeting.

RESOLUTION # 105-2017 – APPROVE MINUTES FROM 6.30.17 SPECIAL MEETING

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

RESOLVED to APPROVE minutes from 6.30.17 special meeting.

6. Open Public Discussion for Public Hearing

Bruce Countryman (not in district) stated that there is no need to push the business district; don't want to live in a city.

Councilman Barcomb asked Mr. Countryman to clarify whether he was in the district or not, for the record, and stated that Councilman Hanley will be reviewing the tape later and that this would be helpful to clarify for him who is speaking and if they are in the proposed district or not.

Don Hempstead (not in district) stated that business is needed to survive.

Denise Hoffman (not in district) stated that it will not be turned into a city by allowing business district; everyone should have a say; give options and go from there.

The Public Hearing discussion was paused briefly for Assemblyman Angelo Santabarbara to address the board and residents. Assemblyman Santabarbara announced that he was proud to sponsor a State Funded Grant for Town Park Improvement Plan for a total of \$125,000 to help fund Phase I of the project. Santabarbara credited the Park Committee for their hard work in getting the application and paperwork to him so quickly and with such detail which made the approval process move much faster. He spoke to the importance of inclusive playgrounds for disabled children stating that only 1 other park like this is available in Clifton Park. He stated that it was a pleasure to get funding for such a great project. The Assemblyman added that the Volunteer Fire Fighter Gap Coverage Bill was an important piece of legislation that was going to the Governor's office for signing and encouraged

community members to contact the Governor and encourage him to sign the bill. This bill would increase benefits and support for the many volunteer firefighters in our communities.

Supervisor Lefkaditis also thanked Assemblyman Santabarbara for his help with the BOND issue for the Town.

Public Discussion Continued...

Todd LaGrange (not in district) stated that he was perplexed over proposed area that is already pretty much a business district and stated that he would like business; town will die without business.

Laura Martin (not in district) asked Councilmen Barcomb, Barber and Councilwoman Pokorny what their opinion is about business.

Supervisor Lefkaditis stated that the board would hear from everyone who would like to comment first.

Councilwoman Pokorny responded that she ran the Knox Store for 6 years and supports local business and has worked on economic development.

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".

Mark Pollard (adjacent to district) stated that he was pro-business; empty town; nothing you can get in town; not welcoming.

Tim Francis (not in district) stated that he supports the business district.

Bill Pasquini (not in district) stated that we need business district and to support little Ma & Pa businesses.

Bruce Countryman stated that he is not against business but against business for a few – who has best interest of the residents.

Ed Ackroyd (not in district) stated that he was for the business district and would have brought his business to Knox and employed people had it been permitted.

Ernie Cupernall (not in district) stated that this is a quality of life issue; have business that doesn't threaten the flavor of the community – find a happy medium; don't have businesses popping up; establish a business district where activities can be centered.

Ken Beckley (IN DISTRICT) stated the proposed district is about the same that it has been.

Tom Wolfe (not in district, member of PB) addressed points of concern that traffic and bed rock which are serious concerns that can be dealt with through the Albany County Health Department – they design septic systems if approved – can be managed. Traffic: is a bad corner but the decision for a road cut rests with the NYSDOT. Oversight review by Planning Board, Zoning Board of Appeals and Health Department would be adequate. Knox is a stable aging community with no major thoroughfare; not enough traffic to make this desirable for traditional business; Knox is an entrepreneur community which is exactly the businesses in the proposed district. Should create atmosphere that encourages business in town. Make home business more open in the Comprehensive Plan.

Supervisor Lefkaditis read a statement written by Art Brearton (IN DISTRICT):

Elected Officials:

Please consider the following as our input to the upcoming June 12, 2017 public meeting.

Our property is within the boundaries of the proposed rezoning and establishment of a business district near the intersection of Routes 156 and 157. In fact it is likely the central property of this discussion. My wife and I have resided at 1676 Berne Altamont Road since 1994. We moved to Knox to live in a rural environment. To state it simply, we strongly object to any rezoning of our property or any nearby properties from their current residential or agricultural status in order to create a business district in the Routes 156 and 157 intersection area.

*Sincerely,
Art Brearton*

Supervisor Lefkaditis read the following statement written by Travis O'Donnell (not in district, PB member):

Hello, I ask that the following be included as testimony for the June 2017 public hearing regarding a second business district (BD) at the intersection of routes 156-157 in Knox. I am a resident of Knox who lives at 1170 Township Road, about two miles from the proposed BD.

There are people in Knox who have made BDs the single pillar of a supposedly pro-business agenda. The "if you build it they will come" myth has been refuted once already by the business-less Knox hamlet BD. This narrow thinking betrays a profound misunderstanding of the forces that attract businesses to communities. Businesses aren't drawn to a new town because the town created a new BD; they do so because the conditions in the town are such that they expect to make money.

The truth we need to face in Knox is that businesses are scarce not because we lack business districts, but because businesses don't see ours as a viable community in which to invest. If we are serious about commercial growth, we need to actively work towards creating favorable economic conditions so that businesses are compelled to invest here. Specific actions we can begin today include:

- a) Offering financial incentives for new businesses to operate within the town. These might take the form of tax breaks, loans to micro-entrepreneurs, and/or reduced regulatory burden (especially on home based businesses as proposed by one board member).*
- b) Developing an inventory of town resources and assets that an economic development strategy can build upon (bicycling, hunting, agriculture, hiking, birding, fishing, geology, etc.).*
- c) Similarly, developing an inventory of real-world obstacles that stand in the way of achieving economic development goals (sewer, water, roads, drainage, high speed internet, population density, etc.). Address these barriers to the extent possible.*
- d) Conduct an advertising campaign (social media, radio, television, newspaper) to promote business opportunities in Knox based on inventory of town resources and assets.*

- e) Collaborate with area Chambers of Commerce or create a Hilltowns regional Chamber of Commerce chapter.
- f) Conducting town visioning workshops and other methods to inform economic growth goals that reflect town consensus.

I'm sure there are many more and better ideas than those listed above. First let's agree to surrender the fiction that BDs are the single prerequisite for economic development. There is no evidence to support this idea. Our time spent discussing new BDs is better spent developing a straightforward economic development plan consistent with other comprehensive plan goals (such as preserving rural character), which will have a stronger chance of recruiting new businesses or expanding existing ones. When businesses are showing new investment in Knox, it will be appropriate at that time to evaluate whether we need more BDs to accommodate this growth.

In the absence of a real economic development strategy, creating additional BDs sacrifices our rich agricultural and residential resources for the benefit of commercial interests. Siting new BDs in arbitrary locations throughout town is a recipe for commercial sprawl. We don't want that in our town.

*Thank you for the opportunity to comment.
Travis O'Donnell, July 11, 2017*

Bruce Countryman asked the Board if someone wanted to buy the Highlands Restaurant what can they do to get it open. Supervisor Lefkaditis responded that a variance can give relief for any scenario.

Tom Wolfe asked why a variance for the towing business was sent to the planning board, zoning board of appeals and the town board. Supervisor Lefkaditis responded that he wasn't sure and that it wouldn't happen again.

Todd LaGrange asked if the board can overrule on zoning rules that are set. Supervisor Lefkaditis responded that the board cannot, they can only re-write zoning.

Danielle Rolfe (IN DISTRICT) stated that she is not opposed to business but wanted explanation of what a business district is and stated that she was in favor of "ma & pop" type business but not in favor of large stuff.

Joan Adriance (not in district) was curious about a bait shop business opened recently on her road and how this came about. Supervisor Lefkaditis stated it falls under the home occupation – owner operated. She also asked if all current old businesses would exist and the Highlands could re-open.

Bill Pasquini asked if the business district was opposed would current business still run.

Town Attorney Dorfman responded that the current businesses are grandfathered in.

Joan Adriance stated that she was concerned about empty businesses. There is opportunity to have business now and we don't; we are arguing about places not there or empty for several years now and haven't been used.

Ed Ackroyd stated that funds and time are needed to get things going.

Bill Pasquini stated that he has seen the town disappear wondering why people are leaving.

Supervisor Lefkaditis mentioned that there are 13 employees at the Altamont Spray welding.

Joan Adriance stated that she stays here because she loves the town; there should be something here but it will never be Schoharie or Middleburgh; we don't have a village; we're working hard to get it back; business is not going to create community.

Tom Wolfe stated that you can go anywhere and see empty rural areas. The only business we can support are entrepreneurial; give people who want to be here an opportunity and ability for that to grow.

Ernie Cupernall stated that a nucleus is needed; Town hall is that right now; create atmosphere for business; set table to create that.

Bill Pasquini stated that the fair was a place for people to come together and gather.

Anna Lefkaditis asked what is wrong with Schoharie and Middleburgh; Thompson Lake is a great place and there is no place for those people to go for supplies.

Supervisor Lefkaditis stated that he was upset by O'Donnell's letter stating that it was borderline offensive and a cheap shot at entrepreneur who is investing in this business.

Councilman Barcomb mentioned that Lefkaditis owned the business for years.

Supervisor Lefkaditis responded that it takes time.

Tom Wolfe responded that O'Donnell's letter had good points but is not enough to entice businesses if zoning is not established. Supervisor Lefkaditis responded that we have to set the table first; need the district.

Ed Nicholson stated that 3 of the businesses currently in the proposed district were all residences before businesses and asked if the businesses would continue if the properties were ever sold. He added that the best businesses have been the ones that people live at – home occupation.

Danielle Rolfe asked if the taxes were different for each district.

Supervisor Lefkaditis responded that it is based on fair market value of your house.

Laura martin asked if the board was changing Zoning or creating a Business District. Supervisor Lefkaditis responded that the BD would change the Zoning Ordinance.

Laura Martin why this was voted against by the PB and not supported by the CAC. Supervisor Lefkaditis responded that it was a list of reasons like geology, infrastructure, and dangerous curve. Town Attorney Dorfman added this came from the Planning Board members and their expertise in this area.

Tom Wolfe stated that infrastructure is not a valid concern because focus should be on entrepreneur; not creating a busy down town; doesn't depend on sidewalks.

Ken Saddlemire asked if there was any advantage to being in a business district for getting loans or tax breaks. Supervisor Lefkaditis responded that zoning is crucial when looking to open businesses and loans won't be issued without permitted use.

Bill Pasquini asked if the Highlands could get a variance to open if the business district did not pass and stated that Mike Hammond's woodshop could offend people too.

Joan Adriance stated that there seems to be no different process to open Highlands whether there is a business district or not.

Councilman Barcomb stated that conditions were given on the special use permit when the Highlands restaurant was re-opened to help neighbors.

Ed Ackroyd responded that there were concerns about noise and it was pushed through by Supervisor Hammond.

Bill Pasquini Sr. stated that there is a general consensus for business with a group of people against it.

Supervisor Lefkaditis stated that the CAC and PB were against the business district.

Bill Pasquini asked the board if Jack Miller opened up a shop there would you be willing to over look things.

Councilman Barcomb responded that he didn't think everyone wants a tractor store next to them.

Joan Adriance responded that wanting business and a business district are not the same thing. You can have business in town without a business district.

RESOLUTION # 106-2017 – MOTION TO ADJOURN PUBLIC HEARING ON PROPOSED BUSINESS DISTRICT 2 AT INTERSECTION OF 156&157.

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

RESOLVED to adjourn the Public Hearing on proposed Business District 2 at the intersection of 156 & 157.

Councilman Barcomb stated that he would like to wait on vote to allow time to consider what has been said at the public hearing. Councilwoman Pokorny agreed that she would like time to consider all of the thoughts and comments.

Councilman Barber stated that he would like to see small business in town. Barber added that no one is staying here anymore. A doctor's office or physical therapists office would be a good idea to have up here. Barber added that he wants to know why Stewarts doesn't want to be up here. There is already businesses in the proposed district so he is for it.

Councilman Barcomb stated that good points were made about home based businesses – craftsmen – that's what fits in with a rural community and would like to make this less prohibitive and easier to expand. Not sure of expansion of businesses already there. Geology makes a barrier for business there; Nucleus is needed; have a business district in the Hamlet and mixed use are with 3 more pending; how many nucleus do we need.

Supervisor Lefkaditis stated that he is for the business district; let entrepreneur spirit grow. Lefkaditis mentioned Amy's Ice Cream and Maple on the Lake as successful businesses that sprout

up, stating that you need to set the table and see who comes. Businesses lower tax base and oversight can come from boards, DEC and Health Dept. not for ZBA or PB to decide. If you get the right operator you have a successful business. This is low hanging fruit with businesses already there. Lefkaditis asked how it was determined to be a dangerous corner.

PB Chairman Bob Price responded that they received and reviewed data from the NYS DOT. Supervisor Lefkaditis responded that the boards are disconnected from the community and handpicked.

Councilwoman Pokorny responded that she has heard that people are looking for more opportunity for small home occupation, mom & pop type businesses or home businesses are really what we are looking for. Pokorny added that the Comprehensive Plan visioning survey showed residents valued protecting rural character while supporting business and the board has to address these things and find a balance.

Resident stated that a quiet rural business is what people want.

Resident stated that people in town don't want home businesses they want a restaurant and grocery store to build a sense of community. People don't want a Walmart or Applebee's.

Councilwoman Pokorny responded that there is a distinction there and that has to be managed. If residents don't want Walmart and Applebee's how do we identify those business as the ones we don't want; how do we protect the town from those kinds of businesses.

Tom Wolfe responded that the Zoning Ordinance table restricts many of these concerns.

Supervisor Lefkaditis added that 57% of residents wanted business from the Comprehensive Plan workshops; we have pushed out business; have a clever way of pushing business out; want to stop blight issues, the Highlands will be next to fall down; economic development plans compound with creation of business district.

Supervisor Lefkaditis asked Town Attorney Dorfman is it was procedurally okay to vote on this today. Dorfman responded that they have a quorum and can vote.

RESOLUTION # 107-2017 - MOTION TO HOLD OFF ON VOTE UNTIL COUNCILMAN HANDLEY CAN REVIEW COMMENTS FROM PUBLIC HEARING.

On motion of Councilwoman Pokorny, seconded by Councilman Barcomb, the following resolution FAILED by 2 Ayes (Barcomb, Pokorny) to 2 Nays (Lefkaditis, Barber).

Supervisor Lefkaditis asked to poll the board members starting with Councilwoman Pokorny who stated she was not prepared to make a decision tonight. Councilman Barcomb stated that he did not want to vote tonight and that it was not a surprise since Councilman Hanley had requested that they hold the vote. Supervisor Lefkaditis and Councilman Barber stated that they were for it.

RESOLUTION # 108-2017 - MOTION BASED ON PUBLIC HEARING FEEDBACK AND PERSONAL EXPERIENCE TO APPROVE PROPOSED BUSINESS DISTRICT AS PRESENTED WITH UNDERSTANDING THAT TOWN ATTORNEY INDICATES COMPLIANCE WITH PROCEDURAL ASPECTS OF APPROVAL.

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

9. Highway:

- a. Highway Superintendent Report: Superintendent Salisbury stated that he needed approval for guardrail work on Old Stage Road. Five accidents have destroyed it. Total cost on State Contract for box beam with 7' posts is \$11,857.38 and the work can start right away.

Town Attorney Dorfman stated that the board has just been made aware of a dangerous situation and they must act on it immediately.

RESOLUTION # 109-2017 – MOTION TO APPROVE PROPOSED GUARDRAIL WORK ON OLD STAGE ROAD, NOT TO EXCEED \$13,000.00.

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

RESOLVED to approve proposed guardrail work on Old Stage Road, not to exceed \$13,000.00.

- b. Hand Wash Station for Transfer Station: Councilman Barber found a 16 gallon wash station with foot pump for \$277.50. Supervisor Lefkaditis asked how it would be filled with water. Superintendent Salisbury stated they are maxed out and cannot take on anything more. Supervisor Lefkaditis and Councilman Barber will sit down with the transfer station employees to discuss further.

Councilman Barcomb spoke with Salisbury about putting up “Right to Farm” signs to help with driving large farm equipment around town. Salisbury responded that no one pays attention to them.

Councilwoman Pokorny asked about the open top containers and reminded Salisbury that it has been approved to go ahead and purchase it for the Transfer Station.

Councilwoman Pokorny addressed the request from resident Paul Axel-Lute to re-write the solid waste management ordinance. Town Attorney Dorfman will re-write with his suggestions and bring for review by the board.

10. Old Business:

- a. Comp Plan Update: Councilwoman Pokorny reported that they need to incorporate the SEQR requirements into the review plan. Resident Javid Afzali offered a template from other municipality and Pokorny has used this language to plug into the town version. There are also suggestions that will help protect the town from legal challenges and make permitting process cleaner; changes have not been discussed but probably is a good idea. Pokorny sent new language to the board members for review. These revisions will bring protections and bring the town into compliance with NYS town laws and ties up loose ends.
- b. Capital Projects: Councilwoman Pokorny stated that the town has the \$100,000 to make use of but first a proposal must be written. Also an energy audit for all town owned buildings must be done to help prioritize what is needed. Money for energy audit will come from the grant. Pokorny will explore options for free audits; anything else will be covered by the grant; series of steps needed to get started. Pokorny will have a proposal from the Clean Energy Smart Committee at the next meeting.

Councilwoman Pokorny also stated that she needed proof of LED light switch to submit

toward grant funding. Supervisor Lefkaditis said he would email something.

Councilwoman Pokorny submitted a letter of thanks to Robyn Reynolds for her help in securing the Clean Energy Smart Grant.

- c. Water Softener: Supervisor Lefkaditis stated that it would be an additional \$50 per month and suggested the town buy one instead of renting; will get quotes to review.

11. New Business:

- a) Flooding in Town Hall – Supervisor Lefkaditis stated that there continues to be signs of water damage. Lefkaditis would like to have seamless gutters installed on back of town hall to prevent damage; will check with Rich Loucks about pricing for this.

Councilwoman Pokorny added that the Knox Dog Day Rabies Clinic was coming up on July 22nd from 10am – 1pm and will need no more than \$100.00 to advertise and for incidentals.

RESOLUTION # 110-2017 – MOTION TO APPROVE SPENDING NO MORE THAN \$100.00 ON DOG DAY EVENT ADVERTISING AND EXPENSES.

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

RESOLVED to approve spending no more than \$100.00 on Dog Day event advertising and expenses.

12: Personnel:

- a) Act on Standard Work Day Resolution for Supervisor Lefkaditis and Councilman Barcomb.

RESOLUTION # 111-2017 – ADOPT THE STANDARD WORKDAY AND REPORTING RESOLUTION FOR SUPERVISOR LEFKADITIS AND COUNCILMAN BARCOMB.

On motion of Councilwoman Pokorny, seconded by Supervisor Lefkaditis, the following resolution was carried unanimously.

RESOLVED to adopt the Standard Work Day and Reporting Resolution for Supervisor Lefkaditis and Councilman Barcomb.

Councilwoman Pokorny asked about application received for Assistant Building Inspector position. Supervisor Lefkaditis suggested that Dan Sherman conduct the interviews and makes suggestion to board.

13. Finance:

RESOLUTION # 112-2017 - APPROVAL OF MONTHLY REPORTS

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

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

RESOLUTION 113-2017 - PAYMENT OF BILLS

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

RESOLVED that the Bills be paid on General Abstract #7-2017 of the General Fund, covering claims #159-183 & 197 in the amount of: \$38,782.87 and of the Highway Fund, covering claims #184-196 in the amount of: \$46,143.71 for the year 2017.

Supervisor Lefkaditis announced the Youth Council Summer Camp Staff need to be appointed for the upcoming summer camp. The following persons were appointed:

| | | |
|----------------|--------------------------|----------|
| Shelbie Miller | 5 days x 4 hours per day | \$500.00 |
| Carli Elble | 5 days x 4 hours per day | \$500.00 |
| Tammy Fischer | 3 days x 4 hours per day | \$300.00 |
| Sarah Pasquini | 2 days x 4 hours per day | \$200.00 |

RESOLUTION #114-2017 - APPROVE SUGGESTED HIRES AND SET SALARY AS PRESENTED TO THE BOARD

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

RESOLVED approve suggested hires and set rates as presented to the Board.

With no further business, on a motion of Councilman Barcomb, seconded by Supervisor Lefkaditis, the meeting was adjourned at 9:28 p.m. Carried unanimously.

Respectfully Submitted,
August 2, 2017
Tara L. Murphy