



# Knox Town Board Minutes

*April 10, 2018*

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The meeting was called to order at 7:05 pm, followed by the Pledge of Allegiance to the Flag.

Present on this date:

- Supervisor Lefkaditis
- Councilman Barber
- Councilman Barcomb
- Councilman Pritchard
- Councilman Saddlemire
- Town Attorney Javid Afzali
- Town Clerk Traci Schanz

Absent on this date:

- Superintendent of Highways Gary Salisbury

**RESOLUTION 86-2018** – A motion was made by Councilman Pritchard to suspend the public meeting to convene Public Hearing on the proposed Local Law 2 2018, regarding alternative Planning Board and Zoning Board members. This was seconded by Councilman Saddlemire. The motion carried unanimously.

**RESOLVED:** to convene Public Hearing on the proposed Local Law 2 2018, regarding alternative Planning Board and Zoning Board members.

A brief question and answer period was held between the Board and the public.

**RESOLUTION 87-2018** – A motion was made by Councilman Barber to close the public hearing on Local Law 2 2018 regarding alternative Planning Board and Zoning Board members. This was seconded by Supervisor Lefkaditis. The motion carried unanimously.

**RESOLVED:** to close Public Hearing on the proposed Local Law 2 2018, regarding alternative Planning Board and Zoning Board members.

A brief discussion was held amongst board members regarding attendance policy questions, capitalization of terms, and term of alternative to a 3 years term.

**RESOLUTION 88-2018** – A motion was made by Supervisor Lefkaditis, seconded by Councilman Barber to approve the Local Law 2 2018 regarding alternative Planning Board and Zoning Board members, with changes. The motion carried unanimously.

**RESOLVED:** to approve the Local Law 2 2018 regarding alternative Planning Board and Zoning Board members, with changes.

The floor was reopened to the public for comments regarding the business district. Attorney Afzali updated the Board regarding the referral, the full statement of the action has been referred to the county. The county has 30 days from their next board meeting on April 15 to give comments. The same package was forwarded to both the town planning board and the ZBA and are awaiting comments and concerns. Under the town code, the two boards have 45 days to respond. Attorney Afzali has asked both town boards to respond in time for the June meeting, and hopes at the that time the town board will have all the information required to continue with the process.

Public comment: Pat Figler attended the meeting to represent her father Harry Cook who owns 66 acres in the proposed area for the business district at 1953 Thompson Lake Road and asked why this specific property was picked and how the district would affect his land. Supervisor Lefkaditis stated that this question had been asked by multiple parties, and that the board would be answering all questions at a later date in June or July. This meeting is for listening purposes and all questions and concerns will be addressed at one time. Brigid McAuliff questioned the thought process behind choosing properties affected, property values, and taxes. Ms. Figler questioned the board again wondering how her father's property would be affected. Supervisor Lefkaditis referred her to the zoning ordinance as it states what is and is not allowed in the business district, as well as the tabulation table and the process of getting a use approved. Councilman Saddlemire stated he spoke with a resident concerned that the district would affect their taxes. Councilman Pritchard stated it is hard to open a business anywhere now. Ms. McAuliff stated she does not want a gas station next door to her and that she was told last time that that would not happen, and she would have the right to weigh in. She states she found information regarding Supervisor Lefkaditis had contact with gas companies, but that none would come to the area and wonders where the transparency is. Supervisor Lefkaditis responded that he had been in contact with gas companies, because gas is one of the most needed items in Knox, because of the survey results. This was before he was supervisor and when he owned the store, he wanted to have gas then and that it had nothing to do with the area near Ms. McAuliff. Councilman Barber believes the area was picked because there are current home-based businesses and it was also addressed in the comprehensive plan. Ms. McAuliff is concerned that a home-based business is very different than a big business. She wants to know with every assurance that no one on the board plans from profiting off re-zoning the area through business interests, investments, holdings, underwriting mortgages. Supervisor Lefkaditis responded by addressing that many things being said are rumors and states he has zero interest, doesn't plan to and never did. All other board members also say they have no interest in the region. Bonnie Conklin from 1714 Helderberg Trail in East Berne spoke stating this is also an issue in the town of Berne. She is a native to the area, born and raised here and feels it is time to make this happen. It should not take people a half hour to get gas and groceries and feels no one will want to move up here if this doesn't change. Another resident questioned what the 5-year plan was. Supervisor Lefkaditis said it would be addressed at the board level. Mr. Reardon question Councilman Pritchard over the difficulty of having a business and the necessity of the discussion. He stated that from the intersection by his house it is only three more miles to reach two gas stations. When re-zoning, towns need to look and see what resources are nearby and that Councilman Pritchard's earlier statement is contradictory when his land and land-use rights will be affected. Councilman Pritchard states he has many people who come to his business expressing interest in small business within the town. Councilman Barcomb asked how to resolve removing properties if residents asked to have them removed. Mr. Nicholson asked a question regarding how many land owners had been asked if they wanted their land in a business district. Councilman Barcomb asked for clarification of resident's vs business owners. Supervisor Lefkaditis stated 2 business owners that he knew of, 3 property owners that he knew of, totaling 5 people. There are 18 total parcels affected, including multiple lots owned by the same people. Mr. Nicholson asked how many separate owners there were, and Supervisor Lefkaditis said he would have to get back to him.

Ms. McAuliff questioned why only the people in support of this had been speaking with Supervisor Lefkaditis. Supervisor Lefkaditis stated this was untrue, he knew plenty people were against it, but was answering Mr. Nicholson's question regarding who was for it. Another member of the audience asked how many businesses had expressed an interest to come to the town to cause all this excitement. Supervisor Lefkaditis stated not many, that he knew of two. Ms. McAuliff referred to a comment made by Mr. Breardon about pushing the district through and would like to know why this is a priority when the board is out of compliance with section 30 of general municipal law, with no financial records of the condition of the town. Supervisor Lefkaditis stated the town's annual reports are on file with the comptroller and that this year we are on an extension, which is the norm. Ms. Figler stated no one had reached out to her father regarding the district. Councilman Barcomb stated he had spoken with him regarding the district and informed the board that Mr. Cook was not in favor of it. She stated her father never got the letter even though his mail is forwarded. Mr. Brearton asked for an updated map, and Supervisor Lefkaditis stated he would post it on the website.

The next order of business was liaison reports. Councilman Pritchard attended the meeting at the City of Albany transfer station. He states the closing of the landfill is still up in the air, but landfills will be changing drastically in the next 5 years. He is checking into grants from DEC for revamping transfer stations, including charging by the pound and increased recycling. He reports the town of Berne would like to have a hazardous waste day with Berne, Knox and Westerlo, and the Berne supervisor will be contacting Supervisor Lefkaditis to set something up. Supervisor Lefkaditis was unable to attend the Planning Board. Councilman Saddlemire spoke about the Farm Family Day taking place at the Nick Tommell farm on September 9<sup>th</sup> from 11:00-3:00pm. This event is free to the public. It is in the beginning stages of planning, and Councilman Saddlemire will continue to update the board.

Ed Akroyd and Michelle Viola-Straight spoke regarding the Traveling Wall coming to Guilderland, as well as the Veteran Banners for Hometown Hero's. Ed would like to bring the banner program up on the mountain. This requires work with power companies for brackets, donations and town approval for the program. Michelle spoke regarding the cost of the program, with the banners costing \$150/each. The town of Guilderland sponsored the brackets, which are reusable, and other families and business funded the banners. She suggested a committee be formed and get started. She states that all banners/bios will be linked on the web site and throughout the towns participating.

Representatives from Kenneth's Army spoke about the upcoming annual motorcycle run on June 2<sup>nd</sup> to raise money for the 501C non-for-profit organization. This event will be hosted at the Berne town Park with stops at the Shell Inn and The Maple on the Lake.

A discussion was held regarding the deed restrictions on the property of Mr. Dougherty and Mr. Muia. Both men spoke regarding the restrictions to their property. Mr. Doherty lives on Knox Cave Road and states a spec house built many years ago was 2.5' too close to the road due to an excavator error. Deed restrictions were placed by the Zoning Board at the time and feels that the restrictions are unlawful and de-values the property. The board asked Mr. Doherty several questions regarding who was involved, was he represented by legal council at the time, how many times did he meet with the ZBA, subdivisions, etc. Mr. Doherty did inform the board he was represented by legal council at the time. The board will meet in executive session to discuss it. Mr. Muia then spoke regarding the deed restrictions on the properties that used to belong Betty Walk. At the time, Mr. Gwin was on the Planning Board and denied her request to sub-divide into 20 lots and placed a restricted covenant on the property. He is asking the town to remove the covenant. The board will meet in executive session to discuss the matter. Mrs. Doherty asked one final question regarding who the Zoning Board, Planning Board and Town Board

are held accountable to. Supervisor Lefkaditis states that the boards are held accountable to the law and depending on the stance of the lawsuit it could be long and expensive or short and inexpensive.

Supervisor Lefkaditis updated everyone on the guardrail replacement from an accident on Old stage Road. He received a check from the insurance company for \$14,458.16.

A motion was made to approve the 3.13.18 consent agenda by Councilman Barcomb, seconded by Supervisor Lefkaditis. This motion was then tabled by councilman Barcomb, due to a question raised by Attorney Afzali regarding motion made on Resolution 74 from the minutes of 3.13.18. The minutes will be checked and corrected if necessary.

**RESOLUTION 89-2018** – A motion was made by councilman Pritchard, seconded by Supervisor Lefkaditis to approve the minutes from the special meeting held on 3.27.2018 and was carried unanimously.

**RESOLVED:** to approve the minutes from the special meeting held on 3.27.2018 and was carried unanimously.

Highway Superintendent Salisbury was unable to attend and Supervisor Lefkaditis spoke regarding issues at the transfer station. The main hopper remains out of order, and the transfer station workers have been handling it beautifully. The transfer station employees report that as a whole the community has been helpful. Parts have been ordered and replaced and it still doesn't work. A wiring diagram cannot be provided by the company. We are waiting for someone to come and re-wire the hopper and will go from there. Supervisor Lefkaditis wishes to thank the transfer station workers as well as the community for their cooperation over the last 2 weeks.

A discussion was held regarding the possibility of the highway employees plowing their own driveways while they were out plowing for the town during extended periods of time. Members of the audience and board expressed concerns over liabilities, and fairness to all. The discussion was ended, and all agreed that this was not a viable option.

Supervisor Lefkaditis spoke briefly regarding the road conditions of routes 156 and 157. In 2020 route 156 will be repaved, with 100' patches being repaired until then.

The walk through will be rescheduled via email and posted publicly when agreed upon.

Councilman Saddlemire spoke briefly regarding the Communities Clean Energy Grant. Supervisor Lefkaditis is gathering a bit more information, will forward it to Councilman Saddlemire, who will then get it to NYPA and go from there.

A discussion was held regarding the Anti-blight law. Dan Sherman, Building Inspector, sent an email to the board with questions regarding some of the language he would like clarified. Other board members had questions regarding length of vacant parcels, penalty phase, cars, properties in question of being blighted. Supervisor Lefkaditis had several questions regarding the language of the law and changes to the language of the law. The intent is to hold a public hearing in May regarding this law. Attorney Afzali will make the suggested changes and send it back to the board.

**RESOLUTION 90-2018** – A motion was made by Councilman Barcomb, seconded by Supervisor Lefkaditis, to publish the proposed Local Law 3 regarding blighted properties as amended. This motion carried unanimously.

**RESOLVED:** to publish the proposed Local Law 3 regarding blighted properties as amended.

The building use policy will be re-visited at the next board meeting.

A discussion was held regarding RFP for the community build this summer. There were none submitted, but the town is in talks with two playground companies and will report back to the board as things progress.

The town wide cleanup day was rescheduled for May 6<sup>th</sup> from 9-12 noon. Community members will gather at the transfer station.

A discussion has held regarding the execution of a lease agreement with Rensselaerville shared use of the dog catcher and the kennel. There is no cost to the town, but we are currently out of compliance with the Department of Agriculture and Markets.

**RESOLUTION 91-2018** – A motion was made by Councilman Pritchard, seconded by Councilman Barcomb, to execute the lease agreement between Rensselaerville and the Town of Knox for temporary dog control officer services. The motion carried unanimously.

**RESOLVED:** to execute the lease agreement between Rensselaerville and the Town of Knox for temporary dog control officer services.

A discussion was held regarding the changing of the hours at the transfer station.

**RESOLUTION 92-2018** – A motion was made by Councilman Barber to change the hours at the transfer station to 4:00-8:00pm on Tuesday and Thursday, 8:00-3:00pm on Saturdays commencing on Memorial Day. Supervisor Lefkaditis seconded this, and motion carried unanimously.

**RESOLVED:** to change the hours at the transfer station to 4:00-8:00pm on Tuesday and Thursday, 8:00-3:00pm on Saturdays commencing on Memorial Day.

Councilman Barber amended Resolution 92 by commencing the change in hours at the transfer station to begin June 2<sup>nd</sup>, rather than on Memorial Day.

A brief discussion was held regarding training requirements for the Planning Board and Zoning Board of Appeals members. The training could be provided by Attorney Afzali and his firm. This will be further discussed at the next board meeting.

**RESOLUTION 93-2018** -A motion was made by Councilman Barber and seconded by councilman Pritchard to appoint Kristian Snyder as alternative member to ZBA with a term expiring December 31, 2020, subject to the law being properly filed in and becoming affective. This motion carried unanimously.

**RESOLVED:** to appoint Kristian Snyder as alternative member to ZBA with a term expiring December 31, 2020, subject to the law being properly filed in and becoming affective.

A discussion was held regarding the Park Laborer and DCO positions, and the combination of several jobs into one. Attorney Afzali suggested the Town follow the NYS guidelines when hiring a contractor rather than an employee. Attorney Afzali will prepare an RFP to be published containing the

requirements of the contracted position to have a CDL, cleaning skills, maintenance, plumbing skills, electric skills mowing capabilities, and mechanical skills.

**RESOLUTION 94-2018** -A motion was made by Councilman Pritchard and seconded by Supervisor Lefkaditis authorizing the town attorney to prepare an RFP for the contractor position. This motion carried unanimously.

**RESOLVED:** to authorize the town attorney to prepare an RFP for the contractor position.

If RFPs are received a special meeting will be call by the board to discuss them.

**RESOLUTION 95-2018** – A motion was made by Councilman Barcomb, seconded by Councilman Pritchard to authorize the supervisor to pay for training for the Tax Collector, NTE \$635.00. This motion carried unanimously.

**RESOLVE:** to authorize the supervisor to pay for training for the Tax Collector, NTE \$635.00.

**RESOLUTION 96-2018** – A motion was made by Councilman Barber and seconded by Supervisor Lefkaditis to accept trailer park permits as presented. This motion carried unanimously.

**RESOLVED:** to accept trailer park permits as presented.

A discussion was held regarding the litigation that as settled last December regarding the Altamont Reservoir. Attorney Afzali updated the board on the town portion to pay the Village of Altamont is \$1502.67.

**RESOLUTION 97-2018** – A motion was made by Councilman Barber and seconded by Councilman Pritchard to authorize a payment made to the Village of Altamont, NTE \$1600.00. This motion carried unanimously.

**RESOLVED:** to authorize a payment made to the Village of Altamont, NTE \$1600.00. This motion carried unanimously.

**RESOLUTION 98-2018** – A motion was made by Councilman Barcomb and seconded by Councilman Pritchard to accept the supervisor and clerk reports as presented. The motion carried unanimously.

**RESOLVED:** to accept the supervisor and clerk reports as presented.

**RESOLUTION 99-2018** – A motion was made by Councilman Barber and seconded by Supervisor Lefkaditis to authorize the Supervisor to pay the bills from Abstract 4 for the general account in the amount of \$10,210.36 and for the highway account in the amount of \$15,289.52. This motion carried unanimously.

**RESOLVED:** to approve the Supervisor to pay the bills from Abstract 4-2018

### **Public Comment**

Councilman Barber presented the plaque to be hung in the town hall representing all of the town supervisors from 1822 to current. The ceremony will be presented on Memorial Day if Councilman Barber can contact family members of those on the plaque.

Joan Adriance asked if an email had been created for the entire board. It has not been done yet. Supervisor Lefkaditis will cerate it this for board members and chairman of the other boards. She also

asked for a date to be chosen for the flu clinic with Amanda Clark. A date will be chosen for September or October.

Bonnie Conklin spoke regarding the need to improve emergency response, and for those responding to have improved methods of finding their way around the mountain and back to Albany. Supervisor Lefkaditis will contact the county to discuss the matter.

Councilman Saddlemire spoke briefly regarding the AED at the town hall. It has been out of date since 2013, and now requires some maintenance. New battery and pads have been ordered.

**RESOLUTION 100-2018** – A motion was made by Councilman Barcomb and seconded by Supervisor Lefkaditis to authorize the supervisor to sign the agreement between the Town of Knox and the Knox Historical Society as presented. This motion carried 4 YEA votes and 1 ABSTENTION with Councilman Barber abstaining.

**RESOLVED**: to authorize the supervisor to sign the agreement between the Town of Knox and the Knox Historical Society as presented.

**RESOLUTION 101-2018** – A motion was made by Councilman Barcomb and seconded by Councilman Pritchard to enter into executive session to discuss litigation and personnel with the intent to reconvene public session. This motion carried unanimously.

**RESOLVED**: to enter into executive session to discuss litigation and personnel with the intent to reconvene public session.

The Board entered into executive session from 9:42pm until 10:02pm.

**RESOLUTION 102-2018** – At 10:02 a motion was made by Councilman Saddlemire and seconded by Councilman Pritchard to reconvene public session. This motion carried unanimously.

**RESOLVED**: to reconvene public session.

**RESOLUTION 103 -2018** - At 10:02pm, a motion was made by Councilman Barcomb, seconded by Supervisor Lefkaditis to adjourn the meeting and was unanimously approved.

**RESOLVED**: to adjourn the meeting.

Respectfully Submitted,

Traci Schanz  
Knox Town Clerk  
May 7, 2018