



# Knox Town Board Minutes

*April 9, 2019*

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The meeting was called to order at 7:08 pm by Supervisor Lefkaditis followed by the Pledge of Allegiance.

Present on this date:

- Supervisor Lefkaditis
- Councilman Barber
- Councilman Barcomb
- Councilman Pritchard
- Councilman Saddlemire
- Superintendent of Highways Gary Salisbury
- Town Attorney Javid Afzali
- Town Clerk Traci Schanz

The meeting opened with Liaison Reports. Supervisor Lefkaditis attended the ZBA meeting where they created a committee to research the MRD. Councilman Saddlemire attended the Agricultural Advisory Committee. This was an information-based meeting with a few new members in attendance. They discussed Annies Project, which supports women in agriculture, and would like to see this program take place in town. Councilman Barcomb also attended, stating he was pleased with the information presented as well as with the new members he and Councilman Saddle mire were ready to appoint tonight later in the meeting. Councilman Pritchard attended the Albany Transfer Station meeting. He stated the town of Berne would like to get together with the towns of Knox and Westerlo to participate in a hazardous waste day collection this year. He believes the cost would be at least \$6000 per town to get started. No date has been set yet.

Doug Roether, chair of the ZBA and serving on the Playground committee as well, presented the Board with Phase II of the project. Phase II consists of renovating the pavilion, upgrading bathrooms and possible enclosure. Phase III consists of updating tennis and volleyball courts and Phase IV involves putting in a soccer field. The committee is geared towards building a facility that all people of all ages and abilities can use, and they have been discussing an indoor community center. He stated there are grant monies available from multiple sources including, NYSERDA, Angelo Santabarbara. The building would be energy efficient, solar passive, and eco-friendly, built with minimal use of town funds and the greater majority of funds from grants. He stated Mr. Galvin attended the meeting and stated he could get use out of the building due to limited space at BKW. There were also discussions regarding an

indoor track. Councilman Barber raised questions regarding upkeep, heating, cooling and septic. Supervisor Lefkaditis will re-visit a conversation held a few years ago with Sherriff Apple, regarding a satellite station within the building. Councilman Barcomb suggested talking with the Town of Duanesburg regarding the community center, now a YMCA, and learn from their experience. Supervisor Lefkaditis thanked Bob Stevens for his sketch of the facility. The committee will continue to move forward with ideas.

The agenda included a discussion regarding the modernizing of clerk services in the form of accepting online payments and credit card payments, however this topic was moved to a future agenda due to key bank closing next month. Once a new bank is found, the discussion will move forward.

**RESOLUTION 068-2019** - A motion was made by Supervisor Lefkaditis, seconded by Councilman Saddlemire to approve the March meeting minutes. The motion carried unanimously.

**RESOLVED:** to approve the March meeting minutes.

The Highway Superintendent stated that Caterpillar has not been able to provide a date for the new grader, but the company has provided the town with use of a machine to use, and the town will be able to get most of the necessary work done. There is no cost to the town to use the borrowed grader. Councilman Barber asked what the plan was for the old grader. Superintendent Salisbury stated he is awaiting the offer for a trade in. He suggests if the company does not offer a value for trade in that the Town put it up for bid at auction. Superintendent Salisbury stated the current machine is probably worth \$15,000 the way it sits. The machine does not currently run. Councilman Barber stated the Altamont Fair might be interested in purchasing it, however Supervisor Lefkaditis spoke with someone from the fair and clarified that they wanted it as a donation, and offered a tax write off, but because the town is tax exempt, this is not an option. Superintendent Salisbury stated the transfer station workers have continued to work on finding new vendors, and the workers have begun to take apart electronics, recycle the plastic, and rather than pay to get rid of certain items, the workers will do it and the town will make money on these items. Supervisor Lefkaditis displayed a spreadsheet providing the breakdown of materials and how much money has been made so far with the company the town is using. The town is seeing an estimated net of \$4000/year. Councilman Barber asked how this may affect the thoughts around having two transfer station workers on duty during the week. Superintendent Salisbury said he believes that during the week this is not an issue, but on the weekend, this will be an issue because it will be busier.

Supervisor Lefkaditis has prepared an addendum to be included in the Transfer Station SOP's to include the new type of work being done. He will email it to the Board, it will be discussed and voted on next month.

Councilman Saddlemire asked if the roof had been repaired yet at the Transfer Station from damage done from a tornado several years ago. It has not been done and Supervisor Lefkaditis will reach out to the contractors appointed in January to see when it can be scheduled.

There was a discussion regarding the lower level floor. Councilman Saddlemire met with contractors for estimates using epoxy, and Councilman Barcomb met with contractors for estimates using ceramic tile. After discussing the durability, warranties, and pricing, a motion was made by Councilman Barber.

**RESOLUTION 069-2019** - A motion was made by Councilman Barber, seconded by Supervisor Lefkaditis to approve the estimate for epoxy flooring for \$11,800.00. The motion carried unanimously.

**RESOLVED:** to approve the estimate for epoxy flooring for \$11,800.00.

Supervisor Lefkaditis confirmed with Town Attorney Afzali that the monies for this will be taken out of the building fund and will not affect the budget this year.

Councilman Saddlemire provided an update on the Energy grant. The Master Cost Recovery has been completed. He spoke with Jessica Waldorf regarding the audit, which is complete. When Ms. Waldorf returns from Watertown business trip, an appointment will be made with her to discuss the results of the audit.

**RESOLUTION 070-2019** – A motion was made by Councilman Saddlemire, seconded by Supervisor Lefkaditis to appoint members to the 2019 Agricultural Advisory Committee with terms ending as follows:

Brian Wilson	April 30, 2020
Jessica Gage	April 30, 2021
Jonathan Lane	April 30, 2022
Jay Francis	April 30, 2023
Joshua Rockwood	April 30, 2024

This motion carried unanimously.

**RESOLVED:** to approve all appointments to the 2019 Agricultural Advisory Committee, with terms ending as listed above

A discussion was held regarding the minutes policy. Supervisor Lefkaditis expressed his concerns with the policy being accepted with changes the way it was at the last meeting, leaving anyone vulnerable to inaccuracies included in letters being included in the minutes. He believes the letters should not be included as long as the intent is captured. He would like the minutes to be respectful and professional and not a place for people to campaign or take shots at others. Councilman Barcomb stated he felt the policy with changes was acceptable and the clerk was able to make it work with the minutes and letters being available to the public. He would like two letters from February included in the minutes somehow. He also stated if there was a mechanism in place, possibly a super majority that is politic proof, if a letter were to outlandish to include, that this would work. Supervisor Lefkaditis stated in his opinion that this (letters) shouldn't be up for discussion, with Councilman Barcomb stating when you are in control of the minutes you are in control of history and what is being recorded. Supervisor Lefkaditis clarified that he did not want anything omitted but recorded accurately. Supervisor Lefkaditis stated he has been very consistent on this topic and does not think the minutes should be used to deface an individual, policy or person. He stated this can be captured accurately with several sentences in the minutes without adding the hoopla, and he has not wavered from this position. Supervisor Lefkadits took a brief poll from Board members to see if they were in favor of submitting every letter submitted to the Board, read or written, to be included in the minutes either by addendum of other fashion.

Councilman Barber – separate from minutes

Councilman Barcomb – by the policy adopted last month or with mechanism such as super majority if necessary

Councilman Pritchard – should be decision of Board, haven't had any yet, but do not know what we will have in the future, and maybe some should not be included

Councilman Saddlemire – as addendum, does not want to be liable as Board member if someone felt they were slandered

**Public Comment during minutes discussion:**

B. McAulliffe – stated point of her letter was to hold person accountable who had been telling her the information she was receiving about financial filings was incorrect as well to point out the contradictory information presented in January

- stated if the purpose of a letter is to call out an elected official who has done something improper, what is the Town's responsibility? does this reek of covering up and not being open and transparent in our government? She stated this is why we are here, and it is important.

E. Cupernall – apologized for shouting out last month, stated the point he was trying to make was that in his opinion the letters should be an addendum, but not included in the minutes, as any salacious accusations included in a letter could be considered as being condoned by the town, leaving the town liable to being sued.

J. Gagnon – stated she had all minutes with her from January 2017 to present date, and for the most part the letters included were from public hearings, one from Mrs. Adriance regarding the transfer station, and that in her opinion, none were incendiary.

- stated she is researching the use of Facebook Live and looking into the use of the controlling Facebook account

- stated she understands the difficulty to record the feeling of a meeting, but would like to see specific questions asked by a gallery person recorded in the minutes as well as the specific answer (if there is one given)

J. Adriance – looked at other town websites, referred to previous discussion regarding use of Facebook Live, stated town of Guilderland uses video recording and posts the video to their website. She is unsure why, if we don't have someone to video record, why we can't post the recording of the meeting on the website. She stated written words do not always give the intent of the conversation, but she believes the minutes should be the motions, resolutions and facts of the meeting and that's it. She also believes we should be able to share with the community via video recording, Facebook live, or audio recording posted to the website.

L. Murphy – has not seen or heard, in her opinion, any letters that are attacking specific people. Most letters she has seen tackle topics/events happening within the town. If there is a letter attacking someone specific, she suggests it be redacted.

B. Pasquini – if a letter that attacked a resident or employee was submitted and included in the minutes and this person is not at the meeting, but reads the letter next month in the minutes and wants to submit their own letter to rebut, should it be included with that months minutes or the previous months minutes? This opens a Pandora's box of issues of when minutes get amended and where rebuttal letters become included.

Supervisor Lefkaditis provided an example from 2017 regarding a letter that was inappropriate about Mrs. Pokorny, and rather wanted a sentence used in the minutes to capture the intent. He read a response to his email from 2017 from Councilman Barcomb where the Councilman suggested not including the letter. Supervisor Lefkadits requested an explanation for the 180\* turn in his position from 2017 to 2019.

Councilman Barcomb explained that he had read it in the minutes that it had been submitted by Vas Lefkaditis and that he didn't go back through emails but went back through minutes, as any other resident would, and those are the official record of the town. Supervisor Lefkaditis stated his position is that 2017 Barcomb was correct and 2019 Barcomb is incorrect.

**RESOLUTION 071-2019** - A motion was made by Supervisor Lefkaditis, seconded by Councilman Pritchard to rescind Resolution 061-2019 from the last meeting and approve the minutes policy as originally presented by the clerk. The motion carried with a 3:2 vote with Councilman Barber voting NAY, Councilman Barcomb voting NAY, Supervisor Lefkaditis voting YAY, Councilman Pritchard voting YAY, Councilman Saddlemire voting YAY.

**RESOLVED:** to rescind Resolution 061-2019 from the last meeting and approve the minutes policy as originally presented by the clerk.

**RESOLUTION 072-2019** - A motion was made by Councilman Barcomb, seconded by Councilman Barber by reading a letter originally submitted by B. McAulliffe and read by J. Gagnon at the February meeting, to become part of the official minutes. Councilman Barcomb began to poll the Board with Councilman Barber voting YAY, Councilman Barcomb voting YAY, Supervisor Lefkaditis voting NAY, Councilman Pritchard voting NAY, and Councilman Saddlemire requesting time to read it completely before voting.

**TABLED:** Resolution 072-2019 was tabled

**RESOLUTION 073-2019** - A motion was made by Councilman Saddlemire, seconded by Supervisor Lefkaditis to table resolution 072-2019. This motion carried with a 3:2 vote with Councilman Barber voting NAY, Councilman Barcomb voting NAY, Supervisor Lefkaditis voting YAY, Councilman Pritchard voting YAY, and Councilman Saddlemire voting YAY.

**RESOLVED:** to table Resolution 072-2019.

**RESOLUTION 074-2019** - A motion was made by Councilman Saddlemire, seconded by Supervisor Lefkaditis to amend Resolution 073-2019 to include two letters in total presented by Councilman Barcomb. This motion carried 3:2 with Councilman Barber voting NAY, Councilman Barcomb voting NAY, Supervisor Lefkaditis voting YAY, Councilman Pritchard voting YAY, and Councilman Saddlemire voting YAY.

**RESOLVED:** to amend Resolution 073-2019 to table the two letters presented by Councilman Barcomb.

**RESOLUTION 075-2019** - A motion of censure was made by Councilman Barcomb and read out loud as the following:

WHEREAS, New York State law requires the supervisor of each town to prepare and file an annual financial report, also known as the Annual Update Document (AUD), with the Office of the State Comptroller.

WHEREAS, Supervisor Lefkaditis did not file the 2016 or 2017 AUD in a timely fashion as required by New York State Law.

WHEREAS, Supervisor Lefkaditis indicated multiple times between April and December 2018 Board Meetings that the AUD's were up to date, when in fact he knew that they were not completed and had not been submitted.

WHEREAS, Supervisor Lefkaditis did not adhere to New York State Law with respect to the completion and filings of the 2016 and 2017 AUD.

WHEREAS, Supervisor Lefkaditis was not truthful or forthright with the Town Board and residents of Knox with respect to the filing of the 2016 and 2017 AUD.

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby publicly censures the Town Supervisor for engaging in the aforementioned conduct and activities.

BE IT FURTHER RESOLVED that the Town Board, by reason of said public censure, does hereby advise the Town Supervisor that he is expected to follow state law and complete and file the Annual Update Document in the time frame prescribed by New York State law.

BE IT FURTHER RESOLVED that the Town Board, by reason of said public censure, does hereby advise the town Supervisor that he is expected to be truthful and forthright with the Town Board and residents of Knox in his acting capacity and position of responsibility.

This was seconded by Councilman Barber and carried unanimously.

**RESOLVED**: to approve the resolution of censure as read out loud by Councilman Barcomb.

Councilman Pritchard spoke regarding why he was voted in regarding changes within the town and the MRD. He expressed his feeling regarding the yelling and returning to the 3-minute rule such as the Albany County meetings are run. He stated he has lived in the town for 65 years and knows most of the older people in the town, he receives emails constantly about rural areas and keeping it this way without any business. He stated many houses have been built on farmers land, but people who felt it was okay to build their houses and put in septic and wells on that farmland are now being hypocritical because they don't want anything else in this town.

Councilman Barcomb stated he found an email that was referenced earlier about letters being read out loud which he said is completely different than posting it on the website.

There was a brief discussion regarding the blight law being passed and forms completed. Time needs to be made to sit down with Dan Sherman to discuss implementing it.

Councilman Barber asked if there was a date yet for the audit. Supervisor Lefkaditis said no. He also asked about the Pilot and Borrego situation, and Supervisor Lefkaditis stated Tom Wolfe had emailed them but not heard back. He also asked about the light out from being out, and Supervisor Lefkaditis stated he believes they just need bulbs. He also stated someone had emailed about responding to emails in a timely manner, he believed it to be Joan Adriance. She confirmed that yes it was her. He then asked if we had a policy regarding the loaning out of our equipment. Supervisor Lefkaditis stated we do not have a policy. Superintendent Salisbury stated if we do loan any equipment, it does not go without an operator. He also asked if we could check into placing a canopy over the post office boxes. Councilman Barcomb will email the boy scout troop, and possibly make it an Eagle project.

Councilman Barcomb asked that the CCA be added to the next month's agenda.

Shale will be purchased from the Patroon Land Foundation for 1.50/yard, but in full disclosure Superintendent Salisbury is an unpaid volunteer and VP of the foundation.

An update on broadband services was provided with one stumbling block that will be discussed in executive session.

The elevator is broken, and our contract does not cover it. Supervisor Lefkaditis will call the current company and look into repairs.

Attorney Afzali has changed law firms to Bond, Schoeneck and King and the new firm has asked that we transfer files.

Russ Pokorny provided an update on the interview process for the tax assessor position. Two applicants have been interviewed and there are three more to go.

**RESOLUTION 076-2019** - A motion was made by Councilman Barcomb, seconded by Councilman Pritchard to approve the annual donation of \$150.00 to the Kiwanis. The motion carried unanimously.

**RESOLVED**: to approve the annual donation of \$150.00 to the Kiwanis.

**RESOLUTION 077-2019** - A motion was made by Councilman Barcomb, seconded by Councilman Barber to approve the Supervisor and Clerk reports. The motion carried unanimously.

**RESOLVED**: to approve the Supervisor and Clerk reports.

**RESOLUTION 078-2019** - A motion was made by Councilman Barcomb, seconded by Councilman Saddle mire to authorize the Supervisor to pay the bills from Abstract #4. The motion carried unanimously.

**RESOLVED**: to authorize the Supervisor to pay the bills from Abstract #4.

Councilman Barber provided information regarding the establishment of the Planning Board in 1971.

Ed Ackroyd provided a quick update on the Hometown Hero program.

#### **Public Comment**

B. McAuliffe- stated when asked questions about financials last year, she was given incorrect answers as was the Board, and this has nothing to do with politics, but this is the job the Supervisor signed up for and wanted to be elected to.

- asked Supervisor Lefkaditis to apologize to her, her family and people of Knox for lack of following duties. Supervisor Lefkadits stated he is happy to apologize, stating he is not perfect and misspoke.

- responded to Councilman Pritchard's farmland comments, by stating she and others have moved here to be part of a rural community and thought people here valued that, but the Board is changing the game after they have invested fortunes and hard-earned dollars

- asked Supervisor Lefkaditis why the 2016 filings show a decrease in the general fund balance, the Supervisor responded by stating this is day to day operations, and this was the previous administrations budget and vendor contracts. She thought the Supervisor misunderstood her stating the fund balance was reserves, he corrected her by explaining the fund balance is the money in the account and it is calculated by carryover from the previous year, adding in revenues, subtracting expenses, adjust for any prior year adjustments and this gives you a new fund balance

-asked why money was moved between the appropriated and unappropriated fund balances, stating large movements had been made, the Supervisor responded by explaining that money is not moved between appropriated and unappropriated funds, this is not how it is calculated. He stated your assigned appropriated fund balance is your unexpected fund balance form your budget before, you figure out your budget, you come up with your appropriations, expected revenue, and unexpected fund balance, that becomes your assigned appropriated fund balance and is recorded under A914, this is a totally separate number than A917 which is designated for balancing your balance sheet. Mrs. McAuliffe stated the appropriated fund balance is usually money that is set aside and earmarked for specific purposes and it is not allowed to be used interchangeably between. Supervisor Lefkaditis

explained that this was incorrect in the form of an AUD, and that the assigned appropriated fund balance is the money that is earmarked in case you overspend your budget.

- asked why the debt service reported as \$80,000 in the general fund and \$104,000 in the highway fund. Supervisor Lefkaditis explained that the \$80,000 is the same amount of money we've been paying since 2009 to pay off this building in the general fund. The \$104,000 was to pay off the first bond that was used to purchase the John Deere tractor. Mrs. McAulliffe asked if this was the \$319,000, and Supervisor Lefkaditis explained that this amount was the money we used to buy Gary's equipment that was refunded 100%, minus a couple thousand dollars in interest by the FEMA money. She asked if this money would be seen in the following year, and the supervisor explained that this money should have come back in 2016 minus \$55,000 in 2017.

L. Murphy – asked that since a motion was rescinded earlier, could the motion regarding the Transfer Station be rescinded also. Supervisor Lefkaditis stated it was not that easy.

Mrs. Lefkaditis demanded an apology from the public and Councilman Barcomb for dragging her children into town business.

Mrs. Pokorny volunteered to be on the CCA committee.

Mr. and Mrs. Pokorny stated the Kiwanis breakfast was a great success.

J. Adriance – asked board to acknowledge emails and/or consider policy

- read a letter received from Civil Service of their opinion of the termination of transfer station workers. In their opinion the employment of Richard Dexter and Joseph Adriance was terminated in violation of the recent amendment to the NY civil service law section 75.

- asked where ZBA and PB meeting minutes were on the website. The clerk and Supervisor explained that everything was up to date, and if there is not a meeting this is now stated on the website to represent why no minutes are posted.

J. Gagnon – asked for update on no-smoking policy. Councilman Barber will check into it.

**RESOLUTION 079-2019** - A motion was made by Councilman Barcomb, seconded by Supervisor Lefkaditis to adjourn into executive session to discuss litigation and personnel, not to reconvene public meeting. The motion carried unanimously.

**RESOLVED:** to adjourn into executive session to discuss litigation and personnel, not to reconvene public meeting.

Respectfully Submitted,

Traci Schanz  
Knox Town Clerk