



Knox Town Board Minutes

May 14, 2019

P.O. Box 116 • Knox, New York • 12107 • Phone 518-872-2551 • www.knoxny.org

The meeting was called to order at 7:02 pm by Supervisor Lefkadits followed by the Pledge of Allegiance.

Present on this date:

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

Presentations

Liaison reports: The meeting opened with Liaison Reports. Supervisor Lefkadits attended the ZBA meeting where they had a brief discussion on the MRD. He was unable to attend the PB meeting. Councilman Saddlemire attended the AAC meeting. He shared a few facts; 8,560 acres are classified as agricultural land; 4,791 acres are classified as vacant land. The AAC continues to work on the AAC website with Traci, creating a bulletin board and designing the AAC page. Councilman Barcomb asked about a timeline for the next public hearing on the MRD. Tom Wolfe, Chairman of the Planning Board was in the audience and confirmed the Planning Board does not have a meeting scheduled this month, and they have not come to the point where they will be re-voting yet. It is a possibility, but the Board has made no moves to go in that direction. There was no answer when a date would be set for a public hearing.

Highway employee's health insurance renewal: Health insurance renews every June 1st. The highway employees would like to make a change from MVP to CDPHP, as well as request a \$0.75 raise effective June 1, 2019, with no request for a raise in January 2020. A combination of savings on health insurance premiums less the cost of raises would result in an approximate net savings of between \$3,500 and \$5,300 to the Town.

RESOLUTION 080-2019 - A motion was made by Councilman Saddlemire, seconded by Councilman Barcomb to increase the highway department full time employees, \$0.75/hour as well as equipment operator I, equipment operator II and highway laborer I. The motion carried unanimously.

RESOLVED: to increase the highway department full time employees, \$0.75/hour as well as equipment operator I, equipment operator II and highway laborer I.

Kenneth's Army: This year will host the 5th annual Kenneth's Ride being held in the Berne Park on June 1st.

Donation of light poles from Bill Pasquini: Mr. Pasquini would like to donate 4 30' light poles to the Town of Knox to keep the park plan moving forward. Supervisor Lefkaditis would like to accept the donation and write him a letter for IRS tax write-off purposes in the amount of \$726.88.

RESOLUTION 081-2019 - A motion was made by Councilman Saddlemire, seconded by Councilman Barcomb to accept the donation from Bill Pasquini, of 4 light poles in the amount of \$726.88, and authorize the Supervisor to write a letter for tax write off purposes. The motion carried unanimously.

RESOLVED: to accept the donation from Bill Pasquini, of 4 light poles in the amount of \$726.88, and authorize the Supervisor to write a letter for tax write off purposes.

Town Clerk credit card processing: The Clerk presented an option for the Town to accept credit cards through a company called eGov. This program will work for any of the fees that the Town currently takes in.

RESOLUTION 082-2019 - A motion was made by Supervisor Lefkaditis, seconded by Councilman Barcomb to spend no more than \$600.00 on the purchase of the eGov credit card processing system. The motion carried unanimously.

RESOLVED: to spend no more than \$600.00 on the purchase of the eGov credit card processing system.

In order to have two letters previously submitted by residents included in the minutes, Councilman Barcomb read them out loud.

Please see letter one below as read by Councilman Barcomb.

TOWN OF KNOX BOARD RESOLUTION 083-2019

Motion made by: Councilman Barcomb
Seconded by: Councilman Barber

WHEREAS, at the February 2019 Town Board meeting, Knox resident, Ms. Jean Gagnon submitted the following written comments on behalf of Bridgitte McAuliffe to the board and requested they be added to the official minutes as was customary before the February, 2019 meeting.

WHEREAS, at the March, 2019 Town Board Meeting, The Town Board passed Resolution 061-2019 where resident's written comments would be kept and included alongside official minutes on the towns website and made available to residents beginning March1, 2019.

WHEREAS, the written comments are as follows:

I am reading this statement for Brigitte McAuliffe who resides at 1641 Berne Altamont Road

Supervisor Lefkaditis and Knox Town Board

During the January 2019 Board meeting when asked about the status of the AUD filings and why they had not been filed in a timely manner, you answered those questions with very different responses to a room full of residents than you had over the previous months. I had been asking those very questions since the April 2018 Board meeting.

To refresh everyone's memory I have gone back through videos and recordings made since April 2018 and compiled the following.

April 2018 Board meeting (my comments in black – Vas responses are bullets)

"Why is this (rezoning effort) a priority for this Board when the Town is out of compliance of section 30 of General Municipal Law and there are no financial records of the condition of the Town's finances"

- "Our annual reports are on file"

"No, they're not"

- "they should be we file them every year"

When I stated that an extension had been filed in 2016 but the new deadline had not been met and that nothing had been filed for 2017. I stated that not even an extension request had been filed for 2017.

- "Yes, we did"

The following comments were in response to me stating that in fact, he had not filed anything for 2017 and I had confirmed that with the comptrollers office.

- "I can tell you I absolutely, 100% did. I don't care what the comptroller's office says"
- "I can tell you beyond a shadow of a doubt we did and we got a confirming email."

I responded with "Please post that email to the Town's website"

- "I'll forward it to you. That's not really something you want to post for the public to see."

"Why not? it's transparent government."

- "give me your email and I'll send it to you"

May 2018 Board meeting

I again asked why Supervisor had not filed the AUDs with the comptroller's office for 2016 and 2017. Again I explained that I had been in contact with OSC had no records of Town filings or of any communication by the Town.

- "the information OSC provided you about the status of the Town's financial filings are inaccurate."

June, July & August 2018 Board meetings

This same question and the unchanging responses were discussed in the next 3 Board meetings.

After the August Board meeting I submitted a request to OSC to investigate the financial condition of the Town as the Supervisor wasn't being truthful, or making any attempt to rectify the AUD non-compliance even after I had repeatedly publicly identified it. My request outlined all the responses the Supervisor had made to date and his absolute defiance that the Town's filing requirements were up to date and that OSC was providing bad information.

January 2019 Board meeting

Now let's compare the newly crafted response to the very same questions that were offered up at the January 2019 Board meeting which was packed with concerned/angry/upset citizens.

Vas - OSC "Earl, you wanted an update on the annual reports. We should have 2000, now that we're caught up, 2016 filed Monday(ish) give or take. 2017 after we get back 2016 and then 2018 is gonna go on the obligatory extension because we don't close out our books until February or March.

Earl – Could you let us know why it's taken so long, what the story is behind this?

Vas – You know the story (said to Earl)

Me I'd like to know the story because I've been asking for a year

Vas - No, I've got it, I've got it. So, so there's no specific reason other than just natural delays. When I came into office one of the issues that I really wanted to do was reduce our expenses and lower taxes. So I focused on a couple of things. I focused on...and you were part of this, you know (to Earl)...I focused on worker's comp insurance. WE are now paying about \$50,000 less a year in insurance than we were before I got here. The next thing I wanted to tackle was our debt service. For those of you who don't know we borrowed money to build this building. We borrowed about 1.2, 1.3 million dollars. A little over \$1.2 Million. We did not receive very much in grant \$ at all, in fact, we pretty much paid for just about every penny of it. A BAN is a short-term financial instrument, basically a short-term loan that matures in 1 year. You can extend them 5 years. You can not extend them beyond 5 years Well when I got in office and started renegotiating our interest rate we discovered in, around late 2016 we were actually in violation of NYS finance law for 2 years. The BAN was accidentally extended upon advice of legal counsel back in 2014 I believe and we were in violation of NYS finance law. So, we immediately picked up the phone we started communicating with the comptroller's office and the fix, there was only one fix, we had to garner the governor's signature. So, Earl you remember, it took us about a year to get through the assembly to get through the senate and to get the governor's signature. Thankfully, we had Assemblyman Santa Barbara and Senator Amedore who they pushed as hard as they could on our behalf and they were great to work with, I can't say enough good things about either one of them. But it did take us about a year. In that time frame, the bookkeeper that we have who is probably the most thorough person I've ever met in my life. Too thorough in my opinion, but... Oh she's amazing. Dennis will tell you about a little \$60 screw up she was hounding him as if... So, so, when we had the conversation with the comptroller's office, the comptroller's office advised us to clean up the mess and then file the report instead of filing it once and having to go back and amend it and basically be putting on the records that we are in violation of NYS law. So that took a lot of time, a lot of time and that set us back at least a year. In addition to that,

Gallery (I think Joan) - "did you get that in writing from them?"

Vas – " no, no, it's funny, cause Javid asked me the same thing and I didn't.

Gallery (I think Joan again) – "that's not funny"

Vas – "no, no what's funny is that Javid asked me the same question, but

Gallery (Joan again?) – "so you have no evidence that that's the case?"

Vas – "If you're calling me a liar I take offense. Let's get that straight. No, it was in the course of doing business. We've been in constant contact with the comptroller's office. We have 30 , 40 calls outgoing calls and countless calls from Cathy's cellphone cause she works out of this office when she's working for the Town of Knox as well. So it wasn't done in a vacuum we've had the comptroller's cooperation the whole time. Um, in addition to that, anyone who's written a grant or participated in a grant process knows how difficult and how time consuming they are. We raised over \$800k in grants in 2016 and 17 as well as pursuing insurance companies for vehicles that do damage to guard rails something that the town has never done. So We've had more activity in the last 2 years, good activity, we raised \$800,000 we reduced our interest rate to .88% of the \$ that we owe here which is still about \$400,000. That's probably the best rate between here and California I challenge anybody to find a

municipality that had negotiated a .88% in 2017 on bond, 6 year bonded money. Ok wait, in addition to all of that, I'm getting to that, getting to that, we raised all the 600,000, \$800,000 grant and anyone whose done a grant knows exactly how long that stuff takes. We were flying under the radar with the comptroller's advice that, by the way, I'm not saying phone call I asked them what happens when we go past our deadlines and the response I received was we have Town's that are 5-10 years out really what we'll do is we'll hound you with an email or two every now and then. They never sent us an email, which is fine, because we were in communication with them. However, however, I'm sorry

Gallery (I think this is Jean) - I'm just confused because you say that under the comptroller's advice we did not file but now you said it wasn't under the comptroller's advice they just said if you didn't file they would...

Vas (interrupting)- I didn't say that

Gallery - hound you

Vas - I didn't say that but let me finish. I did NOT say that. So, so, um, thanks Jean, I lost my train of thought. Alright, so at the end of the day what ended up happening is we got backlogged, and backlogged and backlogged with all the money we raised, with the renegotiating of the bond, waiting for the governor's signature and we've only been right there, we're just about done with 2016. We'll have that done by Monday. Hope that answers your question. It wasn't a deliberate attempt, it just is what it is.

I have continued to provide OSC with information provided by the Town Supervisor during meetings in response to questions posed by Board Members and Residents when they were of particular concern.

NOW THEREFORE, BE IT RESOLVED by the Knox Town Council that these comments will be treated exactly like any written letters from residents submitted before the February 2019 Town Board meeting and after the March, 2019 Resolution 061-2019 and be made available to the public.

Vasilios Lefkaditis, Supervisor

Traci Schanz, Town Clerk

	Yay	Nay	Abstain
Barber	<u> X </u>	<u> </u>	<u> </u>
Barcomb	<u> X </u>	<u> </u>	<u> </u>
Lefkaditis	<u> </u>	<u> X </u>	<u> </u>
Pritchard	<u> </u>	<u> </u>	<u> X </u>
Saddlemire	<u> </u>	<u> X </u>	<u> </u>

This motion fails.

Please see below the second letter read by Councilman Barcomb to be submitted as part of the minutes.

TOWN OF KNOX BOARD RESOLUTION 084-2019

Motion made by: Councilman Barcomb

Seconded by: Councilman Barber

WHEREAS, at the February 2019 Town Board meeting, Knox resident, Ms. Joan Adriance submitted the following written comments to the board and requested they be added to the official minutes as was customary before the February, 2019 meeting.

WHEREAS, at the March, 2019 Town Board Meeting, The Town Board passed resolution 061-2019 where resident's written comments would be kept and included alongside official minutes on the towns website and made available to residents beginning March1, 2019.

WHEREAS, Ms. Adriance's comments are as follows:

"Approving minutes of the previous meeting: On January 23rd I received a draft copy of the January meeting minutes via email from the town clerk. In response I asked her why my comments regarding the hunting licenses were not attached to the minutes as requested at the meeting. Her response was "I only received one paper from you, which I included. I think you may have given something else to Vas, and I have asked him to look through his papers from that night. As soon as I hear from him, I will let you know." On January 25th I forwarded her a copy of the comments that I made at the meeting (the same ones that were given to Vas at the meeting) and requested that they be added to the Draft minutes. I received no response from the clerk.

I sent another email to the clerk yesterday, February 12th, noting that the document was still missing from the meeting minutes and asked that they be added, again I received no response. As of this evening they are still not attached to the Draft copy of the minutes. I am asking that the minutes not be approved until these comments have been added to the minutes.

Status of hunting licenses: At the last meeting I asked for an update at this meeting as to when the Clerk planned to take the necessary training to be able to issue permits? When will taxpayers be able to apply for and get hunting licenses here at the Town Hall?

Division of duties for 4 park laborers: The town advertised for a part time park laborer – 30 hours a week, \$16.20 an hour. At the January reorganization meeting the board approved the appointment of 4 people to that one advertised position. As I remember, the supervisor reported that they could not find one candidate that could/would do all of the work, so it was divided amongst the four appointees. I would like to know how the work is being divided, and how many hours each person is expected to work – will it exceed the 30 hours a week advertised and budgeted for the position?

You also commented at that meeting that one of the appointees' only responsibilities in this position would be to shovel the sidewalks around the Town Hall and Fire House? Is that correct? I would like to voice concern that the town is paying him \$16.20/hour to shovel sidewalks – while the transfer station attendants are being paid only \$13.82/hour...something about that is terribly out of whack. What are the other appointees doing for that labor rate? It was my understanding that the pay rate of was initially set that high (only .49 cents an hour lower than some of the highway department workers) because the position was a "jack of all trades" and required a lot of different skills...it does not seem that is still the case given you have divided the duties among 4 different people. I am asking for you to explain the justification for that pay rate?

I am requesting that these comments be added to the minutes of this meeting."

NOW THEREFORE, BE IT RESOLVED by the Knox Town Council that these comments will be treated exactly like any written letters from residents submitted before the February 2019 Town Board meeting and after the March, 2019 Resolution 061-2019 and be made available to the public.

Vasilios Lefkaditis, Supervisor

Traci Schanz, Town Clerk

	Yay	Nay	Abstain
Barber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barcomb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Lefkaditis _____ X _____

Pritchard _____ _____ X

Saddlemire _____ X _____

This motion fails.

RESOLUTION 085-2019 - A motion was made by Supervisor Lefkaditis, seconded by Councilman Saddlemire to approve the April 9, 2019 meeting minutes. The motion carried unanimously.

RESOLVED: to approve the April 9th meeting minutes.

RESOLUTION 086-2019 - A motion was made by Supervisor Lefkaditis, seconded by Councilman Saddlemire to approve the April 26, 2019 Special Meeting minutes. The motion carried 3:0 with Councilman Barcomb and Councilman Barber abstaining as they were not present at this meeting.

RESOLVED: to approve the April 26th Special Meeting minutes.

Highway Superintendents Report: (as reported by Supervisor Lefkaditis as Superintendent Salisbury is not present)

The report states he met with CDPHP. They are working on road repairs, ditches, shoulder repairs, equipment repairs, they have gone through about 1500 tons of crusher run and have started work on the park. At the transfer station, we have once again been notified of an increase in recycling costs. Cardboard will need to be separated from newspaper. Something needs to be done fast and address SOPs. The SOPs will be a future agenda item or a special meeting if necessary.

Old Business:

The lower level flooring is complete and looks nice. A baseboard will need to be put up. Supervisor Lefkaditis will speak with Mike Sand. Councilman Saddlemire stated we should consider what to do with the furniture before putting it back on the brand-new floor so that it does not get scratched.

The field renovations are completed with a savings of approximately \$3000.00. It was a huge effort by many people. The savings will be submitted to the State for possible reimbursement.

RESOLUTION 087-2019 - A motion was made by Supervisor Lefkaditis, seconded by Councilman Barcomb stating when an appeal is made to a FOIL denial in the Town of Knox, they are done so in accordance with the PBO Article 6, §89(4)(a). This motion carried 4:1 with Councilman Barcomb voting NAY.

RESOLVED: when an appeal is made to a FOIL denial in the Town of Knox, they are done so in accordance with the PBO Article 6, §89(4)(a).

RESOLUTION 088-2019 - A motion was made by Supervisor Lefkaditis, seconded by Councilman Barcomb to advertise a public hearing for the suggested revisions to the definition of "Home Occupation" provided by the Planning Board for June 11, 2019 at the Town Hall and that it be posted accordingly. The motion carried unanimously.

RESOLVED: to advertise a public hearing for the suggested revisions to the definition of "Home Occupation" provided by the Planning Board for June 11, 2019 at the Town Hall and that it be posted accordingly.

Personnel:

Update on tax assessor opening: There have been a total of four interviews conducted. The committee would like to recommend Justin Maxwell for the Town Assessor position.

RESOLUTION 089-2019 - A motion was made by Councilman Barber, seconded by Supervisor Lefkaditis to appoint Justin Maxwell to the Tax Assessor position, effective 10/1/2019. The motion carried unanimously.

RESOLVED: to appoint Justin Maxwell to the Tax Assessor position, effective 10/1/2019.

Supervisor Lefkaditis asked that Attorney Afzali check to see if there is a probationary period for this position.

RESOLUTION 090-2019 - A motion was made by Supervisor Lefkaditis, seconded by Councilman Barcomb to appoint Supervisor Lefkaditis to the CCA in the executive body position, and Amy Pokorny to the steering committee. The motion carried unanimously.

RESOLVED: to appoint Supervisor Lefkaditis to the CCA in the executive body position, and Amy Pokorny to the steering committee.

Finance:

RESOLUTION 091-2019 - A motion was made by Councilman Barcomb, seconded by Councilman Pritchard to transfer \$400.00 from A1220.1 to A7550.4 as the Supervisor's donation for fireworks. The motion carried unanimously.

RESOLVED: to transfer \$400.00 from A1220.1 to A7550.4 as the Supervisor's donation for fireworks.

RESOLUTION 092-2019 - A motion was made by Councilman Barcomb, seconded by Supervisor Lefkaditis to send the previously approved donation from Charlotte Fuss of \$500.00 to the Hilltown Seniors. The motion carried unanimously.

RESOLVED: to send the previously approved donation from Charlotte Fuss of \$500.00 to the Hilltown Seniors.

RESOLUTION 093-2019 - A motion was made by Councilman Pritchard, seconded by Councilman Barber to accept the Supervisor and Clerk reports as presented. The motion carried unanimously.

RESOLVED: to accept the Supervisor and Clerk reports as presented. The motion carried unanimously.

RESOLUTION 094-2019 - A motion was made by Supervisor Lefkaditis, seconded by Councilman Pritchard to authorize the Supervisor to pay the bills. The motion carried unanimously.

RESOLVED: to authorize the Supervisor to pay the bills.

PUBLIC COMMENT

J. Gagnon- questions regarding information on Facebook Live, the link on website for FOIL information is not working, clarification of listing old business asked if the 2018 financial report been submitted.

B. McAuliffe- provided dictionary definitions of mispeak/mispoke and lie, read from a handbook regarding the supervisor responsibilities

J. Adriance – questions regarding public hearing for Phase II, when are the committee meetings held and who is on the committee. Supervisor Lefkaditis stated that the next meeting will be in a few more weeks, that there is no date set yet and the committee members change. He stated the meeting date could be posted on the website.

E. Ackroyd – questions on accepting credit cards and possibly dividing payments into quarterly payments for larger payments such as taxes

R. Pritchard – public education statement, make sure when running for office you check with your employer if NYS. Could cause issues in the future.

Bruce Countryman- clarification on resolutions that failed.

Councilman Barber asked a question regarding Sexual Harassment Training. The Clerk will check with PERMA regarding on-line training. He also asked about lodging complaints regarding blight conditions. Earl will contact Dan Sherman regarding this issue. He announced the Historical Society will be open on Memorial Day and will be open in July and August on Saturdays from 12:00-2:00pm, and Ed Ackroyd will be speaking at the parade regarding the Hometown Hero program. He also announced that Knox has received a signed, authenticated photo of General Henry Knox for which our town was named. He would like to put it on display on Memorial Weekend.

RESOLUTION 095-2019 - A motion was made by Councilman Barcomb, seconded by Supervisor Lefkaditis to adjourn into executive session to discuss litigation and personnel, to reconvene the public meeting. The motion carried unanimously.

RESOLVED: to adjourn into executive session to discuss litigation and personnel, to reconvene the public meeting.

RESOLUTION 096-2019 - A motion was made by Councilman Barcomb, seconded by Councilman Barber, to reconvene the public meeting. The motion carried unanimously.

RESOLVED: to reconvene public meeting.

RESOLUTION 097-2019 - A motion was made by Councilman Pritchard seconded by Councilman Saddlemire, to remove Jonathan Lane from the AAC. The motion carried unanimously.

RESOLVED: to remove Jonathan Lane from the AAC.

RESOLUTION 098-2019 - A motion was made by Councilman Barcomb seconded by Councilman SPritchard, to adjourn the meeting. The motion carried unanimously.

RESOLVED: to adjourn the meeting.

Respectfully Submitted,

Traci Schanz
Knox Town Clerk