

**Town of Knox
Regular Meeting
May 10, 2016**

PRESENT: Supervisor Lefkaditis
Councilman Kuck
Councilman Barber
Councilman Barcomb
Councilwoman Pokorny

ALSO: Town Attorney Dorfman
Town Clerk Murphy
Highway Superintendent Salisbury

The meeting was called to order at 7:30 p.m. with the Pledge of Allegiance to the Flag.

Linda Carman addressed the board to discuss the Rock Road Chapel and the need for help in their food pantry which helps local residents. Currently it is empty and in need of help. Please contact Linda at 872-2448 if you'd like to help.

Councilman Barcomb suggested that Mrs. Carman contact the local student groups such as Key Club and Boy Scouts and Girl Scouts, where students have community service components that could be fulfilled by helping in the food pantry.

Mrs. Carman also addressed the board about solar panels regulations in residential areas, noting that a recent solar array has been placed in a historic area of Berne. The board informed Mrs. Carman that this topic will be discussed later in the meeting. Mrs. Carman asked the board to try to get along so that negative stories about Knox would not appear in *The Enterprise*.

Loren Pratt, representative from Comp Alliance Insurance, addressed the board with an overview of the town's current policy and an overview of the history of Comp Alliance compared to other insurance companies. The board confirmed that the current policy is good until July 1st so they have until June 1st to make any changes to the policy before renewal paperwork is processed.

Maryellen Gillis, Youth Council Coordinator, presented the board with an update on Youth Council activities. New activities include the June 4th Summer Kick Off and Camp Out in the Knox Town Park with community potluck, old fashioned games and races for kids, bonfire, fireworks and tenting for families who would like to stay. The Youth Council would also like to resurrect the week long summer camp for K-6 grade which would be held from 9am-Noon Monday through Friday the week of July 25-29.

M. Gillis requested that the board move funds from the Youth Council equipment line item to the program line item to cover expected costs for running the summer program as well as approve funds for the purchase of new equipment to be used for the Summer Program and all other youth

council programs in the future.

RESOLUTION #93-2016 – AUTHORIZE THE TRANSFER OF \$5,000 FROM EQUIPMENT LINE ITEM A.7540.1 TO YOUTH PROGRAMS LINE ITEM A7310.4.

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

RESOLVED to authorize the transfer of \$5,000 from Equipment Line A.7540.1 to Youth Programs Line item A7310.4.

RESOLUTION #94-2016 – APPROVE PURCHASE OF EQUIPMENT FOR THE YOUTH COUNCIL NOT TO EXCEED \$2,013.60 FROM EQUIPMENT LINE A.7540.1

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

RESOLVED to approve purchase of equipment for the Youth Council not to exceed \$2,013.60 from Equipment Line Item A.7540.1

RESOLUTION #95-2016 – AUTHORIZE THE EXPENDITURE OF UP TO \$4,000 FROM ADJUSTED ACCOUNTS TO COVER COST OF STAFF AND SUPPLIES FOR SUMMER PROGRAM

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

RESOLVED to authorize the expenditure of up to \$4,000 from adjusted accounts to cover cost of staff and supplies for summer program.

M. Gillis added that the Youth Council will need lots of volunteers for the upcoming events and encouraged residents to sign up for shifts. She added that she will be researching possible grants over the summer for the Town Park Improvement Plan and will bring that to the board in the future.

RESOLUTION #96-2016 – APPROVAL OF THE 4/12/16 MONTHLY MINUTES

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

RESOLVED that the minutes of the 4/12/16 April Meeting be approved.

Highway Superintendent Salisbury presented the 284 Agreement to the board members

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

AGREEMENT between the Town Superintendent of the Town of Knox, Albany County, New York, and the undersigned members of the Town board. Pursuant to the provisions of section 284 of the highway law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$60,000 shall be set aside to be expended for primary work and general repairs upon 36.45 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and board walks or the renewals thereof.

2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

- (a) Craven Road and leading to Knox Cave Road a distance of 2.23 miles, not to exceed the sum of \$130,000
Type: cold in place paving with a single seal, width of travel surface 20 feet, thickness 1 ½” compacted, subbase existing.
- (b) Wilty Road and leading to Town of Wright Line a distance of .18 miles, not to exceed the sum of \$30,000
Type: Cold in place paving, width of travel surface 18 feet, thickness 3” compacted with single seal, Subbase existing plus 3” of crusher run.
- (c) Crusher run placed where needed for all un-paved roads town wide not to exceed the sum of \$20,000.

RESOLUTION #97-2016 – ACCEPT 284 AGREEMENT FROM HIGHWAY SUPERINTENDENT SALISBURY FOR ROAD REPAIR AND IMPROVEMENTS

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

RESOLVED to accept the 284 Agreement from the Highway Superintendent.

Highway Superintendent Salisbury discussed that the 2011 dump truck is up for trade-in on the rotation plan and could be replaced with a 2016 on a piggyback NYS Contract with another municipality. Salisbury recommended doing this soon to get the better trade-in value of older truck and to tack advantage of the current state contract. Salisbury believes the town will be about \$25,000 on the trade of the 2011 truck and would also recommend adding an extended warranty to the purchase of the new truck. Salisbury added that the current rotation budget is working and will have an updated plan to present to the board at the next meeting. The new tractor purchased with FEMA funds has been processed and the check should be sent to the town shortly. The CAT Roller will be delivered on Thursday.

7a. The board discussed the proposed solar amendment to the Zoning Ordinance. Planning Board member Debbie Nelson responded to concerns over large scale solar location and regulation by stating that it would be handled during site plan review consistent with the Zoning Ordinance. She continued that small scale solar would just apply to regular zoning ordinance. The board decided to table this discussion for a future agenda item.

7b. The board tabled a discussion for approving new fee schedule for building and zoning department. Dan Sherman will prepare and send to board for review.

7c. Resident Hank Donnelly presented the board with a proposal to reduce the speed limit on Pleasant Valley Road from 55mph to 45mph to match the connecting roads (Zimmer & Tabor) speed limit.

County Legislator Chris Smith added that the road will be repaved soon so a traffic study will be conducted. Supervisor Lefkaditis added that he would like a letter to be sent to all residents of Pleasant Valley Road so people are notified and aware of the proposed change.

RESOLUTION #98-2016 – AUTHORIZE SUPERVISOR TO SEND LETTER TO COUNTY COMMISSIONER AND RESIDENTS OF PLEASANT VALLEY ROAD FOR PROPOSED SPEED LIMIT CHANGE FROM 55MPH TO 45MPH.

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

RESOLVED to authorize Supervisor to send letter to County Commissioner and Residents of Pleasant Valley Road for proposed speed limit change from 55MPH.

Councilman Barcomb asked if Supervisor Lefkaditis could contact the NYS DOT about the status of our town-wide speed limit request.

RESOLUTION #99-2016 – APPROVE PURCHASE OF 2016 CHEVY 3500HD SILVERADO DUMP TRUCK NOT TO EXCEED \$55,000.00

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

RESOLVED to approve purchase of 2016 Chevy 3500HD Silverado Dump Truck not to exceed \$55,000.00

Councilman Barber discussed an idea for creating a roadside clean-up program where the town would provide the orange bags for residents to pick up garbage. The board decided to move the discussion to a future agenda item so they could research collection on County and State roadways.

7e. Supervisor Lefkaditis proposed an idea a semi-annual newsletter to be written and mailed to residents twice a year to communicate with residents about what each town board is working on. Councilwoman Pokorny stated that she would like to be involved in this as well and moved to have two board members sit on a subcommittee for the newsletter.

RESOLUTION #100-2016 – APPROVE SEMI-ANNUAL NEWSLETTER WITH COUNCILWOMAN POKORNY AND COUNCILMAN BARBER AS A SUBCOMMITTEE

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

RESOLVED to approve the semi-annual newsletter with Councilwoman Pokorny and Councilman Barber as a subcommittee.

Councilwoman Pokorny and Councilman Kuck announced that they will be attending a Town Finance Workshop in Saratoga. The registration fee is \$200.00 per attendee and request that the registration fee be reimbursed.

RESOLUTION #101-2016 – APPROVE TO SEND COUNCILWOMAN POKORNY AND COUNCILMAN KUCK TO TOWN FINANCE CONFERENCE

On motion of Councilman Barcomb, seconded by Councilman Barber, the following resolution was FAILED by the following roll call:

AYES: Barber, Barcomb

NAYES: Lefkaditis
RECUSED: Pokorny, Kuck

RESOLUTION #102-2016 – AUTHORIZE TO SEND COUNCILWOMAN POKORNY TO TOWN FINANCE CONFERENCE

On motion of Councilman Barcomb, seconded by Supervisor Lefkaditis, the following resolution was ADOPTED by the following roll call:

AYES: Barber, Barcomb, Kuck, Lefkaditis
RECUSED: Pokorny

RESOLVED to authorize to send Councilwoman Pokorny to Town Finance Conference.

RESOLUTION #103-2016 – AUTHORIZE TO SEND COUNCILMAN KUCK TO TOWN FINANCE CONFERENCE

On motion of Councilman Barcomb, seconded by Councilwoman Pokorny, the following resolution was ADOPTED by the following roll call:

AYES: Barber, Barcomb, Pokorny
NAYES: Lefkaditis
RECUSED: Kuck

RESOLVED to authorize to send Councilman Kuck to Town Finance Conference.

Town Clerk Murphy to order wall mailboxes for all town boards so there is a place to leave mail for them.

Councilwoman Pokorny announced that they Household Hazardous Waste grant was submitted on time for up to 50% coverage of cost of the program. A tentative date has been set for August 13th at the Knox Highway Garage to be shared with the Town of Berne. A permit system will need to be set up to keep track of attendants and which town they are from.

RESOLUTION #104-2016 – APPROVE EXPENDITURE OF \$150.00 TO OFFSET COST FOR MEMORIAL DAY PARADE ORGANIZED BY THE HELDERBERG KIWANIS

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

RESOLVED to approve expenditure of \$150.00 to offset cost of Memorial Day Parade organized by the Helderberg Kiwanis.

The board discussed the Bank RFP process. Councilman Barber asked if the town could reach out to Trusco Bank and Councilman Barber mentioned reaching out to the Bank of Richmondville as well. Supervisor Lefkaditis stated that if they wanted to come to address the board it could be added as a future agenda item.

Supervisor Lefkaditis gave an update on the Inmate program though the Albany County Sheriff's Department stating that the crew did a great job and completed a lot of work around the town hall and would love to have them back for more work in the future.

RESOLUTION #105-2016 – AUTHORIZE TOWN TO PUBLISH A NOTICE OF PUBLIC HEARING ON JUNE 13, 2016 AT 7:00PM RELATIVE TO THE

PROPOSED NOISE ORDINANCE

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

RESOLVED to authorize town to publish a notice of public hearing on June 13, 2016 at 7:00pm relative to the proposed Noise Ordinance.

RESOLUTION #106-2016 – AUTHORIZE TOWN TO PUBLISH A NOTICE OF PUBLIC HEARING ON JUNE 13, 2016 AT 7:00PM RELATIVE TO THE PROPOSED LIGHTING ORDINANCE

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

RESOLVED to authorize town to publish a notice of public hearing on June 13, 2016 at 7:00pm relative to the proposed Lighting Ordinance.

RESOLUTION #107-2016 – AUTHORIZE TOWN TO PUBLISH A NOTICE OF PUBLIC HEARING ON JUNE 13, 2016 AT 7:00PM RELATIVE TO THE PROPOSED TYPOS IN ZONING ORDINANCE

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

RESOLVED to authorize town to publish a notice of public hearing on June 13, 2016 at 7:00pm relative to the proposed Typos in Zoning Ordinance.

Councilman Kuck met with several companies about the mold remediation presented two work needed in the basement of Town Hall and recommended going with a quote from Tech East in the amount of \$2,688.00.

RESOLUTION #108-2016 – AUTHORIZE CONTRACT WORK WITH TECHEAST NOT TO EXCEED \$2,688.00 TO HANDLE MOLD REMEDIATION

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

RESOLVED to authorize contract work with Tech East not to exceed \$2,688.00 to handle mold remediation.

Supervisor Lefkaditis proposed moving forward with the Property Amnesty Program and asked for a motion to task Town Attorney Dorfman with creating a process and program to handle this.

RESOLUTION #109-2016 – TASK TOWN ATTORNEY DORFMAN TO LOOK INTO LEGAL WAY TO CREATE PROPERTY AMNESTY PROGRAM

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

RESOLVED to task Town Attorney Dorfman to look into legal way to create Property Amnesty Program.

RESOLUTION #110-2016 – APPROVE MVP HEALTH INSURANCE FOR HIGHWAY EMPLOYEES

On motion of Councilwoman Pokorny, seconded by Councilman Barcomb, the following

resolution was ADOPTED unanimously

RESOLVED to approve MVP Health Insurance for Highway Employees.

Supervisor Lefkaditis stated that the proposed increase from CHPHP was \$11,745.60. The new plan with MVP would have the town self-insure to pay the deductible upfront at a rate of \$14,000.00 and could stand to save between \$6,696.28 and \$20,696.28. A broker is needed to manage this new account and the highway employees have requested to work with Whitney Pangburn from Marshall Sterling. The town does not pay the broker fees, MVP will pay for broker.

RESOLUTION #111-2016 – APPROVE WHITNEY PANGBURN FROM MARSHALL STERLING AS BROKER FOR HEALTH INSURANCE FOR HIGHWAY EMPLOYEES.

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

RESOLVED to approve Whitney Pangburn from Marshall Sterling as broker for Health Insurance for Highway Employees.

The board discussed the Senior Bus Agreement and Councilman Barber requested that a statement be added to contract stating that the driver must wear proper footwear for safety.

RESOLUTION #112-2016 – APPROVE SENIOR BUS AGREEMENT WITH ADDITION OF PROPER FOOTWEAR FOR DRIVER ADDED TO AGREEMENT.

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

RESOLVED to approve Senior Bus Agreement with addition of proper footwear for driver added to agreement.

Board members were appointed as Liaisons for other boards to report back at Town Board meetings.

- Planning Board – Earl Barcomb & Vasilios Lefkaditis
- Zoning Board of Appeals – Amy Porkorny
- Conservation Advisory Council – Eric Kuck
- Youth Council – Dennis Barber

RESOLUTION #113-2016 – APPROVE BUDGET RE-APPROPRIATION TO INCREASE ACCOUNT A6772.4 BY \$1,500.00 TO \$3,300.00 WITH TRANSFER OF \$1,000.00 FROM A1990.4 AND ADDITION OF \$500.00 FROM SALARY FORFEITURE.

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

RESOLVED to approve budget re-appropriation to increase account a6772.4 by \$1,500.00 to \$3,300.00 with transfer of \$1,000.00 from A1990.4 and addition of \$500.00 from salary forfeiture.

RESOLUTION #114-2016 – APPROVE TRANSFER OF \$1,500.00 FROM A1990.4 TO A1220.4 TO COVER COST OF SEMI-ANNUAL NEWSLETTER.

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

RESOLVED to approve transfer of \$1,500.00 from A1990.4 to A1220.4 to cover cost of semi-annual newsletter.

RESOLUTION #115-2016 – APPROVE TRANSFER OF \$3,500.00 FROM A1220.1 TO A7550.4 TO COVER COST OF FIREWORKS.

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

RESOLVED to approve transfer of \$3,500.00 from A1220.1 to A7550.4 to cover cost of fireworks.

RESOLUTION #116-2016 – APPROVE SALARY WAIVE OF \$500.00 FOR SENIOR SERVICE COORDINATOR.

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

RESOLVED to approve salary waive of \$500.00 for Senior Service Coordinator

RESOLUTION #117-2016 – APPROVE SALARY WAIVE OF \$3,500.00 OF SUPERVISOR SALARY.

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

RESOLVED to approve salary waive of \$3,500.00 of Supervisor salary.

RESOLUTION # 118-2016 - 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 April 2016 be approved.

RESOLUTION # 119-2016 - PAYMENT OF BILLS

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

RESOLVED that the Bills be paid on General Abstract #05 of the General Fund, covering claims #104-124 in the amount of: \$7,236.30 and of the Highway Fund, covering claims #125-135 in the amount of: \$3,301.01 for the year 2016.

Public Discussion:

Councilwoman Pokorny announced a woodlands workshop on May 26th in Bethlehem that is open to the public to learn more about how to protect this land. She added that Dan Harp has some draft data and is working on refined data that can be integrated into the Comprehensive Plan. Ingrid Haeckel from the DEC is working on the Habitat Study that will be complete in two

months.

Supervisor Lefkaditis addressed the board about a private caucus they held on 5/8/16, advised by Town Attorney Dorfman that it was legal. Lefkaditis stated that he believed the meeting was not legal and to take it under advisement that this is not recommended. Lefkaditis asked Attorney Dorfman to present a legal opinion of the Open Meetings Law (OML), Article 108 to which Dorfman then read Article 108 aloud.

Supervisor Lefkaditis advised the board that the private caucus was “ill advised, illegal, disgraceful” and “led the board down a dark and slippery slope.” He stated that a meeting to discuss health insurance and workers comp insurance without the Town’s Chief Financial Officer and taxpayers present was “immoral.” He added that all members of the board, including him, are registered democrats and therefore a political caucus is not exempt of OML 108.

Attorney Dorfman responded that because Supervisor Lefkaditis was elected as a Conservative and not a Democrat he was exempt from the caucus.

Supervisor Lefkaditis responded that he was not elected as a conservative and asked Attorney Dorfman if he can vote in a democratic primary to which Dorfman responded yes. Supervisor Lefkaditis asked for the minutes to reflect this statement.

Supervisor Lefkaditis proceeded to read a legal opinion from the Committee on Open Government and stated that the board violated the law and if they do it again he will sue.

Lefkaditis made a motion for Attorney Dorfman to formulate a legal opinion based on whether or not a board comprised of democrats can caucus under the exemptions listed in OML Article 108.

With no further business, on a motion of Councilman Barcomb, seconded by Councilman Barber, the meeting was adjourned to at 10:52 p.m. Carried unanimously.

Respectfully Submitted,
May 24, 2016

Tara L. Murphy