

**Town of Knox
Regular Meeting
November 8, 2017**

PRESENT: Supervisor Lefkaditis
Councilman Barcomb
Councilwoman Pokorny
Councilman Hanley

ALSO: Town Attorney Dorfman
Town Clerk Murphy
Highway Superintendent Salisbury

ABSENT: Councilman Barber

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Supervisor Lefkaditis thanked the candidates for campaigning and winning: Himself for Supervisor; Karl Prichard and Ken Saddlemire for Town Council, Traci Schanz for Town Clerk, and Tim Francis for Town Justice.

RESOLUTION # 166-2017 – MOTION TO SUSPEND PUBLIC HEARING ON 2018 PRELIMINARY BUDGET

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

RESOLVED to suspend the Public Hearing on 2018 Preliminary Budget.

The board closed the public hearing in order to approve the proper advertising for the new public hearing to be held on Tuesday, November 14th.

RESOLUTION # 167-2017 – MOTION TO ADJOURN PUBLIC HEARING ON 2018 PRELIMINARY BUDGET.

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

RESOLVED to adjourn the Public Hearing on 2018 Preliminary Budget.

***STATE OF NEW YORK
COUNTY OF ALBANY
NOTICE OF PUBLIC HEARING UPON PRELIMINARY BUDGET***

NOTICE IS HEREBY GIVEN that the preliminary Budget for the Town of Knox for fiscal year beginning January 1, 2018 has been completed and filed in the office of the Town Clerk at the Knox Town Hall where it is available for inspection by any interested person at all reasonable hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Knox will be held at the Town Hall at 7:00 p.m. on the 14th day of November, 2017 and that at such hearing any person may be heard in favor or against

the Preliminary Budget as compiled or for or against any item or items therein contained.

PURSUANT to Section 113 of the Town Law, the proposed salaries of the following Town Officers, subject to final approval of the 2018 Town Budget, are hereby specified as follows:

Supervisor.....\$16,672.00
Town Justices (2) Total.....\$20,286.00
Councilmen (4) Total.....\$15,300.00
Town Clerk.....\$12,985.00
Highway Supt.....\$56,978.00
Tax Collector..... \$5,000.00

NOTICE IS FURTHER GIVEN that pursuant to Section 27 and 108 of the Town Law, the proposed salaries of the following officers, are proposed to be changed as set forth hereinafter subject to final approval of the 2018 Town Budget, and are hereby specified as follows:

Supervisor of Highways – Salary increase from \$56,678 to \$56,978.

BY ORDER OF THE KNOX TOWN BOARD
TARA L. MURPHY
Town Clerk

RESOLUTION # 168-2017 – MOTION TO APPROVE ADVERTISING OF PUBLIC HEARING FOR 2018 PRELIMINARY BUDGET.

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

RESOLVED to approve advertising of Public Hearing for 2018 Preliminary Budget.

4. PRESENTATIONS:

- a. Old Stage Road – The board began a discussion around the continued accidents on Old Stage Road. Resident Jeff Thomas spoke to the board on behalf of his neighbors from Old Stage Road. He presented an accident report from 1-1-01 to present and 63 accidents have been reported. These are only the reported accidents because several times cars are pulled out by neighbors and not reported. The residents of Old Stage Road are requesting that the speed limit be reduced from 55mph to 30 mph as well as Children at Play signs and warning signs for the sharp “S” curve.

Supervisor Lefkaditis stated that the town has put in a claim with the insurance company of one of the accidents on Old Stage and would like to use those funds to purchase a solar flashing sign for at the curve. Councilman Barcomb stated that DOT has control over speed limits not the town unfortunately so the town will have to go through the approval process with DOT.

RESOLUTION # 169-2017 – MOTION TO AUTHORIZE SUPERVISOR TO REQUEST OLD STAGE ROAD SPEED LIMIT REDUCTION TO 30 MPH

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

RESOLVED to authorize Supervisor to request Old Stage Road speed limit reduction to 30 mph.

RESOLUTION # 170-2017 – MOTION TO AUTHORIZE SUPERVISOR TO CONTACT COUNTY REPRESENTATIVES, SHERIFF APPLE, AND NYS DOT AND SUPPLY LETTERS OF RECOMMENDATION AND TRAFFIC REPORT ALONG WITH REQUEST TO REDUCE SPEED LIMIT ON OLD STAGE ROAD.

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

RESOLVED to authorize Supervisor to contact County Representatives, Sheriff Apply, and NYS DOT and supply letters of recommendation and traffic report along with request to reduce speed limit on Old Stage Road.

Hwy Superintendent Salisbury stated that he has Children at Play signs but would like a board resolution to put them up.

RESOLUTION # 171-2017 – MOTION TO AUTHORIZE HIGHWAY SUPERINTENDENT TO INSTALL THE APPROPRIATE NUMBER OF CHILDREN AT PLAY SIGNS ON OLD STAGE ROAD, ACCORDING TO FEDERAL GUIDELINES.

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

RESOLVED to authorize Highway Superintendent to install the appropriate number of Children at Play signs on Old Stage Road, according to Federal guidelines.

Resident Doug Roether stated that there are 2 State Park entrances on Old Stage Road that creates a lot of traffic. He suggested that the board get the parks involved or suggest that they purchase signs to mark the parking lot. The new parking lot is not big enough so cars are parking on the side of the road.

Supervisor Lefkaditis stated that the last drastic step would be to straighten the curve. Start with the steps approved and apply pressure to DOT.

Councilman Barcomb stated that he had a chance to talk with residents on Craven Road and the majority or residents would like to see a speed limit reduction on Craven Road as well. The road is being used as a “cut-through” from Knox Cave Road and residents trying to walk their dogs or with children playing the resident would like to see a reduction to 35 mph. Resident Virginia Stewart stated that she is often pushed in the ditch while walking her dog because the cars are doing over 55mph down that road. Councilman Barcomb requested that while petitioning DOT for Old Stage Road that a reduction for Craven Road be added.

Highway Superintendent Salisbury cautioned against adding more signs because they don't work.

RESOLUTION # 172-2017 – MOTION TO AUTHORIZE SUPERVISOR TO REQUEST CRAVEN ROAD SPEED LIMIT REDUCTION TO 35 MPH

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

RESOLVED to authorize Supervisor to request Craven Road speed limit reduction to 35 mph.

- b. Knox Agricultural Workshop – The board announced the Young and Beginning Farmers Workshop being held on Saturday, December 2, 2017 from 1pm-5:30pm at the Octagon Barn. This workshop is sponsored by the Knox Agricultural Advisory Committee and will be presented by local farmer and college professor Gary Kleppel.

Town Attorney Dorfman added that following the discussion on speed limit reduction and with the town being presented with the accident reports from Old Stage Road the town has been put on notice and will need to act immediately. Dorfman suggested that signs be put up immediately as a warning to address the serious issue that could bring liability to the town. Hwy Superintendent Salisbury replied that yellow speed reduction warning signs are on order and will go up right away. Dorfman stated that he would draft a strong letter to DOT stating that the town has been put on formal notice.

- d. The board would like to thank Pete Evans for his time and effort in securing a nice sound system for the town. His efforts are appreciated.
- c. Saturday, November 11th there will be a Red Cross Emergency Shelter Training held at the Rock Road Chapel from 9:15am-2pm.
- e. The Planning Board was given a request on 9.20.17 from the Town Board to review the proposed business district on Route 146 with a deadline of November 6th. The board would like to authorize a 64 day extension to January 8, 2018.

RESOLUTION # 173-2017 – MOTION TO AUTHORIZE 64 DAY EXTENSION TO PLANNING BOARD OF REQUEST TO REVIEW PROPOSED BUSINESS DISTRICT ON ROUTE 146.

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

RESOLVED to authorize 64 day extension to Planning Board of request to review proposed business district on Route 146.

5. MINUTES APPROVAL:

RESOLUTION # 174-2017 – MOTION TO APPROVE MINUTES FROM 10.8.17 MEETING

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

RESOLVED to approve minutes from 10.8.17 Meeting.

8. HIGHWAY/ TRANSFER STATION:

- a. Hwy. Superintendent Salisbury stated that the Transfer Station need to be picked up immediately because snow is on the way. He asked that the transfer station employees have it picked up by Thursday.
- b. The board approved the price of \$2.50/yard of shale.

RESOLUTION # 175-2017 – MOTION TO APPROVE PAYMENT OF 850 YARDS OF SHALE AT \$2.50/YARD.

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

RESOLVED to approve payment of 850 yards of shale at \$2.50/yard.

- c. DOT project at Route 146 to correct the flooding has been complete.
- d. Open container is on order and vendor claims it is on the way.

7. OLD BUSINESS:

- a. Culvert in Park for Snowmobile Trail – Lou Saddlemire reported that the temporary culvert installed by the snowmobile club has caused flooding in the park. Lou suggested that a larger culvert be installed and fastened to prevent it from moving down stream in thaw.

Tim Saddlemire, board member from snow mobile club, stated that the club would install a different sized culvert and remove the current ones now; whatever the board would prefer.

Councilman Barcomb suggested that Lou and the snowmobile club meet to figure out best location and size for replacement.

The snowmobile club also stated that they would be willing to install a locked gate in front of the culvert to prevent cars from coming in.

- b. Building Use Policy – Supervisor Lefkaditis requested this be moved to November 14, 2017 to review proposed policy.
- c. Water Softener: Supervisor Lefkaditis has not been able to contact the Culligan representative.
- d. Transfer Station SOP – Councilman Hanley and Councilwoman Pokorny meet with the Transfer Station employees to review the proposed SOP with no suggestions for changes. The board requested moving this discussion to November 14, 2017 meeting.
- e. PILOT – Councilwoman Pokorny presented suggested language for the PILOT Solar Law to be reviewed by the board and town attorney. Supervisor Lefkaditis stated that he would like to see the language be less restrictive in section 1(c). Town Attorney Dorfman will review and report back at the next board meeting.
- f. Town Seal – The suggestion of having voting on Election Day at the Town Hall was stopped by the Board of Elections. Two residents have expressed interested in submitting new designs. The board decided not to rush into a decision and to keep the discussion open for more entries.
- g. Dog Control Program – Lou Saddlemire has finished sealing the floor and the temporary shelter equipment is in. Grooming is a concern and a service that may need to be provided for dogs found. Local business owner Nikki Salisbury from Groomingtales presented the board with a full range of pricing options and a sample contract. The board suggested establishing Groomingtales as the official grooming vendor pending review of the contract by the Town Attorney Dorfman.

RESOLUTION # 176-2017 – MOTION TO DESIGNATE GROOMINGTALES AS OFFICIAL VENDOR FOR GROOMING SERVICES WHEN NEEDED PENDING ATTORNEY REVIEW AND APPROVAL OF CONTRACT.

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

resolution was carried unanimously.

RESOLVED to designate Groomingtales as official vendor for grooming services when needed pending attorney review and approval of contract.

- h. Highway generator has been installed; just needs to be wired now. A radiator pressure tester has been ordered to test the Town Hall generator before moving forward with the vendor who has done initial analysis of the generator. Supervisor Lefkaditis stated that he would like to know if it is leaking before approving bill of service.
- i. Comprehensive Plan Workshop – the board scheduled a workshop for November 21, 2017 at 6pm.

Councilwoman Pokorny asked for follow up on the Gun Range situation. Attorney Dorfman stated that no report has been received from the Sheriff. Can't recommend that the town attempt to compel the gun club to pay for safety review.

8. NEW BUSINESS

- a. Newsletter – Councilwoman Pokorny sent out notices asking for articles to be submitted by December 8th for the next newsletter. Supervisor Lefkaditis requested that all upcoming open positions from the planning board, zoning board of appeals, and conservation advisory committee be listed as well.
- b. Supervisor Lefkaditis read the following settlement resolution for the Altamont Reservoir Valuation.

Resolution of the Town Of Knox authorizing settlement of 2 Tax Law Certiorari Proceedings Under Article 7 of the Real Property Tax Law for the years 2016 and 2017, as more fully described below and authorizing the Knox Town Attorney to execute the Stipulation of Settlement as provided hereinafter

Resolved, That the Town of Knox authorizes the settlement of 2 Tax Law certiorari proceedings under Article 7 of the Real Property Tax Law for the years 2016 and 2017 upon the terms and conditions contained in the proposed consent Order as hereinafter identified and described to wit:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

*In the Matter of the Application of
VILLAGE OF ALTAMONT*

Petitioner,

- *against* -

*THE ASSESSOR AND THE BOARD OF ASSESSMENT
REVIEW OF THE TOWN OF KNOX AND THE
TOWN OF KNOX,*

Respondents,

**CONSENT ORDER
AND JUDGMENT**

Index No. 04305-16

*For Review, Under Article 7 of the Real Property Tax Law,
of the Assessment of certain Real Property in the said Town
of Knox, New York.*

In the Matter of the Application of
VILLAGE OF ALTAMONT

Petitioner,

- against -

THE ASSESSOR AND THE BOARD OF ASSESSMENT
REVIEW OF THE TOWN OF KNOX AND THE
TOWN OF KNOX,

Index No. 904877-17

Respondents,

For Review, Under Article 7 of the Real Property Tax Law,
of the Assessment of certain Real Property in the said Town
of Knox, New York.

The above named Petitioner having duly brought these proceedings to review the tax assessments made against premises of the Petitioner known as Town of Knox Section Block and Lot Number 47.-1-27 (the "Parcel") in the Town of Knox, County of Albany, State of New York for the years 2016 and 2017, and being the real property mentioned and more fully described in the petitions made and filed herein, and issue having been duly joined herein, and the Petitioners having appeared by Whiteman Osterman & Hanna, LLP, Jason L. Shaw, Esq. of counsel, and Respondents Assessor of the Town of Knox, the Board of Assessment Review of the Town of Knox, and the Town of Knox having appeared by the Law Office of John E. Dorfman, John E. Dorfman, Esq. of counsel, and the parties having entered into and consent to this Consent Order & Judgment (this "Order");

NOW, by stipulation of the parties, it is hereby,

ORDERED, ADJUDGED AND DECREED, that the above-referenced proceedings are hereby joined for the purposes of settlement;

ORDERED, ADJUDGED and DECREED, that the 2016 and 2017 assessments of the Parcel on the assessment roll of the Town of Knox for the years 2016 and 2017 be reduced as follows:

<u>Assessment Roll Year</u>	<u>Original Assessed Value</u>	<u>Corrected Assessed Value</u>	<u>Reduction in Assessed Value</u>
2016	\$1,006,000	\$663,400	\$342,600
2017	\$1,006,000	\$642,000	\$364,000

ORDERED, ADJUDGED and DECREED, that the Town of Knox shall refund any excess Town, Town Highway, other Town taxes and all special district charges paid on account of the uncorrected 2016 and 2017 assessments of the Parcel, and

ORDERED ADJUDGED and DECREED, that the Guilderland Central School District shall refund any excess Guilderland Central School District, library and special district charges paid on account of the uncorrected 2016 and 2017 assessments of the Parcel, and

ORDERED ADJUDGED and DECREED, that the refunds, set forth above, shall be paid to Whiteman Osterman & Hanna, LLP, attorneys for the Petitioners, One Commerce Plaza, Albany, New York 12260, without interest or costs, provided any such refunds are made within sixty (60) days of the service of this Order with notice of entry thereof or an application for audit and payment under RPTL § 726(3) on the Town and the School District; provided, however, if such payments of refunds are not made within said sixty (60) days of service of this Order, interest at the legal judgment rate shall accrue on the refund amounts as of the date of the service of this Order, and

ORDERED, ADJUDGED and DECREED that the provisions of Real Property Tax Law §727 shall be applicable to the assessments of the Parcel on the 2018, 2019 and 2020 assessment rolls of the Town of Knox, and the petitioners shall not challenge, nor shall the Assessor modify, the assessments herein for the Parcel while the provisions of RPTL § 727(1) are in effect except for the reasons enumerated in subdivision 2 thereof

*Dated: _____, 2017
Albany, New York*

Hon. Margaret T. Walsh, A.J.S.C.

STIPULATION

The Attorneys for the respective Parties do hereby consent to this Order and Judgment.

Dated: November __, 2017 *WHITEMAN OSTERMAN & HANNA LLP*

*Jason L. Shaw, Esq.
Attorneys for Petitioner
Village of Altamont
One Commerce Plaza
Albany, New York 12260
(518) 487-7600*

Dated: November __, 2017 *LAW OFFICES OF JOHN E. DORFMAN*

*John E. Dorfman, Esq.
Attorneys for Respondents
Assessor of the Town of Knox
Board of Assessment Review of the Town of Knox
Town of Knox
23 North Helderberg Parkway
Slingerlands, New York 12159
(518) 229-7678*

And it is further,

RESOLVED, that the Knox Town Attorney is authorized and directed to execute the above referenced Stipulation of Settlement on behalf of the Town of Knox and any and all further documents necessary to resolve the above referenced Proceedings on behalf of the Town of Knox; and it is further

RESOLVED, that the Knox Town Attorney is authorized to take any and all necessary actions to complete the full settlement of the above referenced proceedings; and it is further

RESOLUTION # 177-2017 – MOTION TO ACCEPT SETTLEMENT OF ALTAMONT RESERVOIR VALUATION DECISION

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

RESOLVED to accept settlement of Altamont Reservoir Valuation decision.

- d. Paris Accord Resolution - Councilwoman Pokorny read a proposed resolution:

A resolution in support of the goals of the Paris Climate Accord.

WHEREAS,

scientific evidence affirms that greenhouse gas emissions are increasing, and therefore the earth is exhibiting rapid warming, the climate is changing, and destructive and costly weather events are becoming more common, and

WHEREAS,

the Paris Climate Accord set goals to encourage all nations to reduce their greenhouse gas emissions, which have been accepted by all nations except the United States, and

WHEREAS,

the Governor of New York State has declared support for the Paris Climate Accord and announced plans to invest in increased clean energy development across New York State, and

WHEREAS,

the Albany County Executive issued an order on June 2, 2017 committing Albany County to compliance with the greenhouse gas reduction goals of the Paris Climate Accord, and

WHEREAS,

the Town of Knox has adopted the NYSERDA Climate Smart Communities Pledge which offers strategies for reducing greenhouse gas emissions, and

WHEREAS,

the Town of Knox Climate Smart Communities Committee has undertaken the NYSERDA Clean Energy Communities challenge and has adopted the recommended Energy Star Benchmarking process that

gathers and tracks energy consumption data and calculates and reports on greenhouse gas emissions, and

WHEREAS,

the Town of Knox has already taken additional measures, including adoption of the Unified Solar Permit, support for the Solarize program, Energy Code training for our Code Enforcement Officer and installation of replacement LED street lights to reduce municipal energy consumption, thus saving taxpayer money in energy costs, and also resulting in reduced greenhouse gas emissions, and

WHEREAS,

Strategies for the reduction of greenhouse gas emissions bring added benefits of transitioning the Town's energy demand from fossil fuels to renewable energy sources, which can be locally produced, thus increasing the energy security of the Town, reducing pollution, and contributing to the worldwide effort to stabilize and mitigate some of the effects of climate change; now, therefore, be it

RESOLVED,

that the Knox Town Board commits the Town of Knox to continuing support for the greenhouse gas reduction goals of the Paris Climate Accord, and be it further

RESOLVED,

that this resolution shall take effect immediately.

Resident Laura Martin stated that the US Government did not accept this agreement but NYS and Albany County are requiring this; and asked how this overrides the federal level.

Supervisor Lefkaditis stated that this agreement doesn't authorize anything, it is more symbolic.

Councilwoman Pokorny stated that approving this agreement would strengthen the towns' position as a Climate Smart Community and have more opportunities to apply for grants.

Supervisor Lefkaditis stated that the agreement doesn't make sense but that he didn't disagree with it. It doesn't require any action and will bolster the towns' position for grants. Councilwoman Pokorny stated that the language is modeled after the NYS and Albany County position.

RESOLUTION # 178-2017 – MOTION TO ACCEPT RESOLUTION IN SUPPORT OF THE GOALS OF THE PARIS CLIMATE ACCORD.

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

RESOLVED to accept resolution in support of the goals of the Paris Climate Accord.

12. PUBLIC COMMENT:

Dana Sherman addressed the board with a written statement:

To the Knox Town Board:

My thoughts on the town transfer station.

I was on the town board in 1974, when I happened to be in western New York and photographed and sketched that towns transfer station. We used those as a basis for our transfer station.

I was in New York City, at an Association of Towns solid waste seminar. I was surprised to see a video of our transfer station presented by Earl Barcomb, who was in charge of the DEC waste management for the State. He said Knox had one of the most efficient facilities in the State. I was at our transfer station when someone tried to dispose of raw clams that had gone bad but missed the hopper. The workers had to use their own drinking water brought from home to wash the mess up.

I am sure I will be there this winter when they will have to help some senior resident empty garbage over the OSHA mandated rim.

I know how this system works and how hard it is to keep it running plus help our residents.

The reason for this statement is to implore this board to pay these men a decent pay raise to justify what they have to do in order to serve our residents.

Thank you, Dana Sherman

Joan Adriance addressed the board about issues concerning the Transfer station including lack of water up until very recently. She mentioned that raises are not a new topic at the transfer station and have been given in the past and clarified that the proposed 7% raise would equal \$0.93/hour. The raise total for all employee (if working all hours every day) would equal \$2,000; the proposed tax reduction equals \$5,000; so to say the town can't afford it is untrue. Secondly, Mrs. Adriance addressed the unacceptable behavior at meetings, allowing people to shout at each other; not an effective way to run meeting and embarrassing to the town – not a community. She suggested that the board consider adopting meeting rules and develop a way to handle shouting with expectations for those who attend.

Councilwoman Pokorny agreed and stated that she believes it erodes the democratic process to intimidate residents to not share their opinions.

Laura Martin announced that cops were called to the transfer station...

Supervisor Lefkaditis interrupted her to say that this was a personnel issue and will not be discussed. He stated that he like the idea of meeting rules document.

Joan Adriance provided a sample document from the Town of Dickenson as an example for the town to review.

RESOLUTION 179-2017 - PAYMENT OF GENERAL ACCOUNT AND HIGHWAY BILLS

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

RESOLVED that the Bills be paid on General Abstract #11-2017 of the General Fund, covering claims #319-333 + 335-339 in the amount of: \$19,154.01 for the year 2017 and Abstract #10-2017 of the Highway Fund, covering claims #340-348 in the amount of: \$3,341.76 for the year 2017.

RESOLUTION # 180-2017 - APPROVAL OF MONTHLY REPORTS

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

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

With no further business, on a motion of Councilman Barcomb, seconded by Councilman Hanley, the meeting was adjourned at 9:10 p.m. Carried unanimously.

Respectfully Submitted,
November 14, 2017
Tara L. Murphy