

**Town of Knox  
Regular Meeting  
October 10, 2017**

**PRESENT:** Supervisor Lefkaditis  
Councilman Barcomb  
Councilwoman Pokorny  
Councilman Barber  
Councilman Hanley

**ALSO:** Town Attorney Dorfman  
Town Clerk Murphy  
Highway Superintendent Salisbury

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance to the Flag. Councilman Barcomb asked for a moment of silence in recognition of the passing of Karl Peterson.

**RESOLUTION # 148-2017 – MOTION TO CONVENE PUBLIC HEARING ON PROPOSED CHANGES TO KNOX SOLID WASTE LAWS**

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

RESOLVED to convene the Public Hearing on proposed changes to Knox Solid Waste Law.

Town Attorney Dorfman stated that Resident Paul Axel-Lute found 2 corrections to the Solid Waste Law. They were small but meaningful changes and the Board thanked him for his time and efforts to bring these changes to the attention of the board.

*Local Law No. 1 of 2017, entitled "Local Law No. 1 to amend Local Law No. 3 of the year 1992, section 01-21 third separate paragraph, as amended by Local Law No. 1 of the year 2009 to read as follows: All commercial, industrial and institutional establishments within any area of the source separate and arrange for the collection and recycling of newspapers and other designated recyclables was presented to the Town Board of the Town of Knox, New York. The proposed Local Law No. 1 of 2017 corrects two words as hereinafter set forth. Where the 2009 law had "within an area of the Town" the proposed revision has "within any area of the Town", and where the 2009 law had "collection of recycling of" the proposed revision has "collection and recycling of". Enactment of the proposed amendment will facilitate republishing the Solid Waste Management Code in its amended form.*

**RESOLUTION # 149-2017 – MOTION TO ADJOURN PUBLIC HEARING ON PROPOSED CHANGES TO KNOX SOLID WASTE LAWS**

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

RESOLVED to adjourn the Public Hearing on proposed changes to Knox Solid Waste Law.

**RESOLUTION # 150-2017 – MOTION TO APPROVE PROPOSED CHANGES TO KNOX SOLID WASTE LAWS SET FORTH AS LOCAL LAW NO. 1 OF THE YEAR 2017.**

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

RESOLVED to approve proposed changes to Knox Solid Waste Law set forth as Local Law No. 1 of the year 2017.

**6. PRESENTATIONS:**

- a. Liaison Report:
  - a. ZBA – special use permit was granted for the new store to get started.
  - b. PB – Talked with new store owner about future discussion with DOT about possible crosswalk near store on Rt. 156. The town board will have to make this request.
  - c. Agricultural Adv. – Some members attended the Cornell Cooperative Extension workshop. Gary Kleppel to set up new workshop in December to reach out to students and will have guest speakers come.

**7. MINUTES APPROVAL:**

Supervisor Lefkaditis proposed minor changes to the minutes from 6.1.17, 5.9.17 and 10.4.17.

**RESOLUTION # 151-2017 – MOTION TO APPROVE MINUTES FROM 6.1.17 SPECIAL MEETING WITH MINOR CHANGES AS PRESENTED.**

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

RESOLVED to approve minutes from 6.1.17 Special Meeting with minor changes as presented.

**RESOLUTION # 152-2017 – MOTION TO APPROVE MINUTES FROM 5.9.17 MEETING WITH MINOR CHANGES AS PRESENTED.**

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

RESOLVED to approve minutes from 5.9.17 Meeting with minor changes as presented.

**RESOLUTION # 153-2017 – MOTION TO APPROVE MINUTES FROM 9.19.17 MEETING AS PRESENTED.**

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

RESOLVED to approve minutes from 9.19.17 Meeting as presented.

**RESOLUTION # 154-2017 – MOTION TO APPROVE MINUTES FROM 9.25.17 BUDGET WORKSHOP MEETING AS PRESENTED.**

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

RESOLVED to approve minutes from 9.25.17 Budget Workshop Meeting as presented.

**RESOLUTION # 155-2017 – MOTION TO APPROVE MINUTES FROM 10.4.17 BUDGET WORKSHOP MEETING WITH MINOR CHANGES AS PRESENTED.**

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

RESOLVED to approve minutes from 10.4.17 Budget Workshop Meeting with minor changes as presented.

#### **8. HIGHWAY/ TRANSFER STATION:**

- a. Hwy. Superintendent Salisbury reported that the work on Rt. 146 to repair flooding is in process in collaboration with the NYSDOT. Work should be done in the next week; having some issues with large rocks.

Councilwoman Pokorny asked if there was any news on the open container. Salisbury responded that they have not returned calls. He was not sure where else to go to purchase a different container. Salisbury suggested that limits be applied to what can come in like no construction debris; more trash coming in and landfill is take less and less.

Supervisor Lefkaditis stated that there are issues and the facilities need to be rebuilt to handle issues. 1<sup>st</sup> quarter of 2018 should be handled.

- b. Shale Purchase (850 yards) – Salisbury stated that in 2015 the town rented an excavator to rip up shale; some was taken to use and the rest was left to collect in 2017. Going back this year all of the original shale was gone and lousy shale was left. Originally Salisbury thought the price was around \$1.75/yd. but current bill is for \$2.50/yd.

Supervisor Lefkaditis suggested approving 850 yds at a maximum of \$2.50/yd. and Salisbury and Lefkaditis will review old vouchers to see pricing. Councilman Barber stated that we should pay no more than what was paid last time. Councilman Pokorny suggested to approve with payment up to \$2.25/yd.

#### **RESOLUTION # 156-2017 – MOTION TO APPROVE PAYMENT OF UP TO \$2.25/YD OF SHALE OR LESS FOR 850 YARDS OF SHALE.**

On motion of Councilwoman Pokorny, seconded by, Supervisor Lefkaditis, the following resolution was carried by 4 AYES (Pokorny, Lefkaditis, Hanley, Barcomb) to 1 NAY (Barber)

RESOLVED to approve payment of up to \$2.25/yd. of shale or less for 850 yards of shale.

#### **9. OLD BUISNESS:**

- a. The board rescheduled the Comprehensive Plan Workshop for Tuesday, October 24, 2017 at 6pm. To be posted in the Altamont Enterprise.
- b. Water Softener: Supervisor Lefkaditis circulated the original quote from Culligan to install a new water softener at Town Hall for \$100 with a monthly rental fee of \$55/month.

#### **RESOLUTION # 157-2017 – MOTION TO AUTHORIZE SUPERVISOR LEFKADITIS TO CONTRACT WITH CULLIGAN TO INSTALL WATER SOFTENER FOR \$100.00 AND MONTHLY RENTAL FEE OF \$55.00 AT TOWN HALL.**

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

RESOLVED to authorize Supervisor Lefkaditis to contract with Culligan to install water softener for \$100.00 and monthly rental fee of \$55.00 at Town Hall.

Councilman Hanley asked if the same set up could be installed at the Highway Garage. Councilman Barcomb suggested that Supervisor Lefkaditis contact Culligan to do the same at the highway garage.

**RESOLUTION # 158-2017 – MOTION TO AUTHORIZE SUPERVISOR LEFKADITIS TO CONTRACT WITH CULLIGAN TO INSTALL WATER SOFTENER FOR \$100.00 AND MONTHLY RENTAL FEE OF \$55.00 AT HIGHWAY GARAGE.**

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

RESOLVED to authorize Supervisor Lefkaditis to contract with Culligan to install water softener for \$100.00 and monthly rental fee of \$55.00 at Highway Garage.

- c. Building Use Policy – Councilman Hanley stated that the security of the building is the only hang up on this issue. Supervisor Lefkaditis suggested that the board read the proposed policy and come back with suggestions.
- d. Transfer Station Standard Operating Procedures (SOP) – Councilwoman Pokorny reviewed and made changes and additions. The board with review for future discussion.
- e. Town Seal Update – A third seal design was introduced with the addition of a graphic of Calico Indian mask and tin horn to represent the Anti-Rent Wars. Open up voting again until the November meeting with a ballot available on Election Day. Town Clerk Murphy will write a letter to the editor encouraging residents to participate in the voting.

- f. Dog Control Program – A few more items need to be purchased for the Dog Control Officer including:

1. Chain – \$15 or less	\$15.00
2. Dog dazer: <i>K-11 Enterprises Dazer II Ultrasonic Deterrent Dog Trainer, Item No. 114050, w/batteries; can be purchased online at "Chewy". Will stop an aggressive dog up to 20 feet away.</i>	\$26.95
3. Garbage bags - 4 mil clear plastic	\$56.00
4. Gloves for bite protection	\$25.00
5. Head lamp – \$10 or less	\$10.00
6. Microchip reader - Merck	\$399.95
7. Extra batteries for microchip reader (six AAA rechargeable NiMH cost about \$15.00)	\$15.00
8. Sealant for concrete floor – Behr 3 gallons @\$33	\$99.00
9. Trap: Wildlife Control Supplies (WCS) makes 5 large "havaheart" type coyote/dog traps, ranging in size from 42L x 15W x 18H - \$144.95 to 72Lx20Wx28H - \$304.00. One of these sizes could replace the huge trap which doesn't work.	

**TOTAL**

**\$776.85**

**RESOLUTION # 159-2017 – MOTION TO AUTHORIZE PURCHASE OF THE ABOVE ITEMS FOR THE DOG CONTROL PROGRAM.**

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

RESOLVED to authorize purchase of the above items for the Dog Control Program.

- g. Post Office – The new store owners are willing to host a retail post office space where customers can buy stamps and mailing supplies.

**10. NEW BUSINESS:**

- a. Councilwoman Pokorny sent around documents including a proposed PILOT solar law, sample agreement that would be signed by solar contractor, and a document to determine PILOT. The board agreed to review and discuss at the November meeting.

Attorney Dorfman stated the all notices required by BORREGO have been received. At some point the Town Board will have to determine what the PILOT will be for BORREGO. Planning Board Chair Robert Price stated that they had received the inter-connect power connection paperwork and attorney Dorfman will review. Supervisor Lefkaditis asked about the option of receiving power from the grid in lieu of money. Attorney Dorfman responded that that would need to be approved by the County and School Board.

- b. Accounting for Pucker Street Fairs were reviewed by the town board. Councilman Barber asked about no insurance in 2017, Supervisor Lefkaditis stated it was included in general insurance. Councilwoman Pokorny stated that cash deposits should go through the Town Clerk's office. Lefkaditis responded no, it goes directly to celebration line.

Councilman Barcomb read the following statement:

*At our September 19th meeting, I requested that Supervisor Vas Lefkaditis provide the board with the accounting for the past two years for the Pucker Street Fair. Supervisor Lefkaditis stated at previous board meetings that the town had made \$400 in 2016 and double that, or \$800, in 2017. First, Supervisor Lefkaditis claimed that the Town Clerk, Tara Murphy had deposited these monies, when she indicated that she had not, he said that Town Book-keeper Kathy Bates had made the deposits. On October 2nd, the Town Board received a confusing spreadsheet from Bates that was supposed to clarify the income and expenditures for the 2016 and 2017 Pucker Street fair. However, this left me with a lot of questions mostly because the income on the spreadsheets did not agree with Supervisor Lefkaditis' earlier claims. At this point, I filed a Freedom of Information (or FOIL) request for receipts, bank statements and deposit slips, so that I could verify that the taxpayers' money was being handled correctly. Since the FOIL request was made, Supervisor Lefkaditis has tried to avoid giving me this information, by claiming that the FOIL was not filed correctly (even though this decision is not his to make and he was fine when Laura Martin Pasquini recently filed a FOIL using the same format). He is asking for time extensions even though Bates told the town clerk that she would have the information last week –As a Town Councilman charged with protecting the taxpayers' money, I should have ready access to this information. That a Town Board member should have to go to such great lengths and face the road blocks that I have had to rather than open the Town's banking records for*

*basic financial information about town funds is very concerning to me. Had this approach been taken by our Supervisor I would not be addressing the Town residents and Board in this forum.*

*At the September 19th meeting, I had also asked if the town had been reimbursed for 2017's July 8th fireworks since the Town had agreed to front the money with the understanding we would be paid back. Supervisor Lefkaditis said that we received half and the other half had just been invoiced for. Supervisor Lefkaditis indicated at our October 4th budget meeting the he had "forgot" about collecting the fireworks money. That our supervisor would "forget" to collect money owed to the taxpayers of Knox and is reticence to provide the information being sought by myself, as and elected Councilman, is very concerning to me.*

*As a town board member, I was elected to protect the taxpayers' interest. I need to have access to this information without roadblocks being put up and I need to be able to ask questions without being ridiculed or bullied.*

Attorney Dorfman stated that it is up to the FOIL officer to determine the way a request comes in if it is valid or not. Supervisor Lefkaditis asked how the board felt about charging Councilman Barcomb for the time in putting this together. Councilman Barcomb stated that he would take digital copies so cost of photocopying was not necessary. Supervisor Lefkaditis stated that the deadline is tomorrow and asked to give him a couple of days.

**RESOLUTION # 160-2017 - MOTION TO DESIGNATE AND APPOINT THE KNOX TOWN CLERK, TARA MURPHY, AS AN AUTHORIZED PERSON TO HAVE FULL ACCESS TO ALL BANK ACCOUNT RECORDS OF THE TOWN OF KNOX AT KEY BANK.**

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

BE IT RESOLVED, the Knox Town Board designate and appoint the Knox Town Clerk, Tara Murphy, as an authorized person to have full access to all bank account records of the Town of Knox at Key Bank.

Councilman Barcomb stated that it is the board's job to understand this and is legitimate; it's a great that the town made more money.

Supervisor Lefkaditis asked about Rules and Regulations on file for FOIL. Attorney Dorfman responded that it is statutory and the town has to file according to New York State law.

Supervisor Lefkaditis stated that the board has seen monthly reports that contain these deposits and have been signed off on.

- c. Knox Reform Church is celebrating its 175 Anniversary on October 15<sup>th</sup> at 5:30pm. Supervisor Lefkaditis suggested that someone prepare a proclamation and the board was invited to the presentation at 5pm. Councilman Barber would work on the proclamation.

Councilman Barber thanked the following individuals for participating in the town wide clean-up day event: Earl Barcomb, Tara Murphy, Amy Pokorny and Traci Schanz. Next year the town will hold another Clean-Up Day event on Sunday, April 1<sup>st</sup> 2018 from 9am to noon. Councilman Barcomb thanked Councilman Barber for putting this together.

**12. FINANCE:**

**RESOLUTION # 161-2017 – MOTION TO MOVE \$500.00 FROM A1220.1 TO A7550.4**

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

RESOLVED to move \$500.00 from A1220.1 to A7550.4.

- b. Legal Bill – The town originally approved \$5,500.00 for legal costs for BAN repair and BOND insurance. The bill was sent for \$11,500.00. Supervisor Lefkaditis stated that the law firm claims to have made a mistake in the original quote and had to do more work than was anticipated. The board discussed and decided that they would pay what was quoted originally. Attorney Dorfman stated that he accepts full responsibility for the filing mistake that was made and presented the board with calculations showing that his mistake actually made the town \$17,278.00. Supervisor Lefkaditis responded that this cost the town thousands of dollars and asked if Attorney Dorfman had malpractice insurance. Dorfman responded that he does not carry malpractice insurance because he is an employee of the town. Lefkaditis responded that he will demand the town attorney to carry insurance; they should be on retainer and not an employee.
- c. Tentative Budget - Supervisor Lefkaditis presented a summary of changes to the preliminary budget.

Laura Martin asked why the transfer station employees were getting a raise stating that they don't do a great job.

Supervisor Lefkaditis responded that we have good employees who deserve more but also have tax payers that want a balance budget. Councilman Barcomb responded that we are going to be asking for more from transfer station employees.

Bruce Countryman stated that the town employees do a great job.

Councilwoman Pokorny stated that the transfer station work all day with no running water, extreme temperatures, exposed to dangerous things, work to save town money buy recycling items and are the lowest paid employees in the town. Pokorny would like to see a 7% increase for them and suggested that cut backs in areas of the budget that were raised could cover this (increase for town park from \$50K to \$60K and increase to \$6,500 in celebration line). Supervisor Lefkaditis responded that this will start a wage war.

Supervisor Lefkaditis explained that in 2016 the town over spent by \$14K but with \$50K form FEMA the town was in the green. Last year the town tightened the budget and are right on track with that budget.

Councilman Barcomb suggested that if a salary increase is given to the transfer station employees then they should also look at highway salaries. Hwy Superintendent Salisbury stated that everyone should get raises but money isn't there. Highway employees are full-time, Transfer station employees are part-time (15 hours per week) and work together. Highway guys clean up transfer station, repair things when broken. Councilman Barcomb asked what the difference is between the lowest hourly wages for highway employee versus transfer station; about \$2.00 per hour difference. Supervisor Lefkaditis stated that it would

be negligent to deviate from tight belt on budget. Councilman Barcomb stated that the board needs to decide if they want to give tax cut to residents or raises to employees and that they need to keep the space between transfer station and highway employees' wages.

Town Assessor Russ Pokorny stated that the total savings to tax payers with a 2% decrease would be approximately \$4.00 per \$100K assessed value.

Councilmembers Barcomb, Hanley and Pokorny agreed that keeping taxes at a 0% increase with salary increases for employees was the way to go. Supervisor Lefkaditis and Councilman Barber agreed that leaving select salary increases at 2% with 2% tax cut was the way to go.

Councilman Barber made a motion to approve the budget as presented. Councilman Barcomb asked if the board wants to give tax breaks or raises. Councilwoman Pokorny asked for the spreadsheet to calculate these figures.

Assessor Russ Pokorny explained that on a \$2,000 tax bill to residents \$88 goes to the town so that would be about \$1.80 savings with a 2% tax cut. Councilman Barcomb stated that he would give is \$1.80 back to the town employees.

Resident Bill Pasquini stated that blanket raises are not fair and that merit based raises should be given.

The board decided to approve the budget as presented with the option to discuss the equation of 0% tax increase and spread of funds over raises before approving at the public hearing.

**RESOLUTION # 162-2017 – MOTION TO APPROVE TENTATIVE BUDGET AS PRELIMINARY BUDGET AND AUTHORIZE ADVERTISEMENT OF PUBLIC BUDGET HEARING ON 11/8/17 AT 7PM.**

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

RESOLVED to approve Tentative Budget as Preliminary Budget and authorize advertisement of Public Budget Hearing on 11/8/17 at 7pm.

Robert Price asked if signs could be put up on Craven Road to help slow people down. Councilman Barcomb stated that he would like to informally survey residents to see if they would be interested in going through process to get speed limit lowered on that road. Barcomb asked that the town appeal to local representatives to let them know that we would like to have control over our own roads instead of getting approval from NYS. Hwy Super. Salisbury stated that he would look into new laws being proposed around this.

- e. Supervisor Lefkaditis pulled voucher #299 for GenTech services to the generator over concerns about the work. He would like to talk with them before paying this bill.

**RESOLUTION 163-2017 - PAYMENT OF GENERAL ACCOUNT BILLS**

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

RESOLVED that the Bills be paid on General Abstract #10-2017 of the General Fund, covering claims #291-298 & 300-308 + 318 in the amount of: \$8,829.72 for the year 2017.

Hwy Super. Salisbury made to changes on highway bills.

**RESOLUTION 164-2017 - PAYMENT OF HIGHWAY BILLS**

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

RESOLVED that the Bills be paid on General Abstract #10-2017 of the Highway Fund, covering claims #309-317 in the amount of: \$46,509.95 for the year 2017.

**RESOLUTION # 165-2017 - APPROVAL OF MONTHLY REPORTS**

On motion of Councilman Barber, 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 September 2017 be approved.

Councilwoman Pokorny asked for an update on the Gun Club. Attorney Dorfman stated that he met with the Gun Club manager and looked over topographic maps and has no reason for town to move forward; in good conscience cannot have the Gun Club look into it any further.

Resident William Matuszak stated that he has heard from 3 police officers still working on the report with no time line given. Councilman Barcomb suggested checking to see if the Gun Club would be interested in having the NRA safety evaluation done.

With no further business, on a motion of Councilman Barcomb, seconded by Councilman Hanley, the meeting was adjourned to executive session not to reconvene to discuss litigation at 9:59 p.m. Carried unanimously.

Respectfully Submitted,  
October 25, 2017  
Tara L. Murphy