

**Town of Knox
Regular Meeting
September 19, 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 7:04 p.m. with the Pledge of Allegiance to the Flag followed by a moment of silence for Linda Hodges.

Marc Gronich, Vice Chairman of the PEG Access Oversight Board presented the board with an idea to deal with dwindling cable franchise fees related to lack of cable use. Stating that it is important to continue to provide public access to town meetings, Gronich will be putting together a proposal for towns to install cameras in meeting rooms that can be remotely operated and record meetings. At this time he does not have a cost for such a service but will be returning with a more detailed proposal.

6. PRESENTATIONS:

- a. Liaison Report:
 - a. PB – revisiting solar projects
 - b. ZBA – special use permit application; hearing will be on 9/28
 - c. CAC – Several town maps were donated to the CAC and are being reviewed, documented and digitized.

RESOLUTION # 132-2017 – MOTION TO MOVE ITEM 9D TO THE TOP OF AGENDA TO ITEM 6(A)(1)

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

RESOLVED to move item 9d to the top of agenda to item 6a1.

Resident William Matuszak addressed the board over concerns of stray bullet hole found in the side of his garage on his property on Bell Road. Matuszak believes these came from the Helderberg Rod & Gun Club. Police were called and an investigation is underway. Matuszak stated that something needs to be done with the safety of the Gun Club; there is no gate or security; no longer a small club.

Supervisor Lefkaditis stated that the report will be sent to the town once complete and he will share it with the Town Attorney.

Town Attorney Dorfman suggested that a NRA safety review be completed at the Gun Club at a cost of \$300-350. Town Attorney Dorfman will draft a resolution to present to the board later in the meeting.

- b. 2018 Preliminary Budget – Supervisor Lefkaditis presented the preliminary town budget.

The board scheduled a budget workshop to review the preliminary budget for Monday, September 25th at 7:30pm. Notice to be sent to paper and posted.

Councilwoman Pokorny asked if the AUD (Annual Financial Report Update Document) report has been filed with the NYS Comptroller's office yet. Supervisor Lefkaditis stated that he has not sent it yet until the BOND issue is resolved and the footnotes can be removed.

4. MINUTES APPROVAL:

RESOLUTION # 133-2017 – MOTION TO TABLE MINUTES FROM 5.9.17 MEETING.

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

RESOLVED, to table minutes from 5.9.17 meeting.

Supervisor Lefkaditis mentioned the issue over using quotes in minutes and asked Councilman Barcomb what his opinion was. Councilman Barcomb stated that factually accurate is the way they need to be. Supervisor Lefkaditis responded that quotes can be taken out of context. Councilman Barcomb stated that quotes can add to it as well and if the meeting secretary thinks it necessary it is appropriate.

RESOLUTION # 134-2017 – MOTION TO TABLE MINUTES FROM 6.1.17 SPECIAL MEETING.

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

RESOLVED to table minutes from 6.1.17 special meeting.

RESOLUTION # 135-2017 – MOTION TO APPROVE MINUTES FROM 8.8.17 MEETING.

On motion of Councilwoman Pokorny, seconded by, Councilman Hanley, the following resolution was carried by 4 Ayes (Lefkaditis, Barber, Pokorny, Hanley) and 1 Abstain (Barcomb)

RESOLVED to approve minutes from 8.8.17 meeting.

RESOLUTION # 136-2017 – MOTION TO APPROVE MINUTES FROM 9.1.17 SPECIAL MEETING.

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

RESOLVED to approve minutes from 9.1.17 meeting.

5. HIGHWAY/ TRANSFER STATION:

Transfer Station – a 3rd box has been ordered but still don't have a delivery date; proposed that they stop accepting trash when the 2 current containers are full.

Councilwoman Pokorny asked if there was another vendor to get a container from that would deliver quicker. Salisbury responded that we have to limit what we take; if there are more boxes they will fill up too. Trash can only be delivered to the landfill until 10:30am which only gives enough time for 2 runs and currently that is being done 5 days a week. A new plan needs to be established and highway department needs to be involved.

Supervisor Lefkaditis stated that we should also be reinforcing that regular garbage not be put in the containers but in the compactor instead.

Councilwoman Pokorny made a motion that if the container is not delivered in 1week another container from a different vendor will be ordered with a mesh tarp cover.

RESOLUTION # 137-2017 – MOTION TO AUTHORIZE HIGHWAY SUPERINTENDENT TO ORDER ANOTHER CONTAINER WITH A MESH TARP. NOT TO EXCEED \$5,000.

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

RESOLVED to authorize Highway Superintendent to order another container with a mesh tarp, not to exceed \$5,000.

Hwy Superintendent Salisbury hired a part-time employee to be on call to fill in for an employee about to retire and using up vacation time. An additional part-time employee may be needed in the winter for coverage.

RESOLUTION # 138-2017 – MOTION TO HIRE GREG TYMCHYN EFFECTIVE 8/21/17 AT THE RATE OF \$15.31 PER HOUR FOR THE POSITION OF HIGHWAY DEPARTMENT LABORER.

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

RESOLVED to hire Greg Tymchyn effective 8/21/17 at the rate of \$15.31 per hour for the position of Highway Department Laborer.

Salisbury reported that the NYS DOT would be working on the intersection of Rt. 146/Middle Road/Street Road; the town highway department will be a partner and assist.

9. OLD BUISNESS:

- a. Town Wide Clean Up – Councilman Barber reminded everyone that the Town Wide clean up day would be held Sunday, October 1st at 9am at the highway garage. Volunteers can meet there to pick up garbage bags and get directions. Councilman Barber will write something for the paper and Town Clerk Murphy will put it online. Councilman Barcomb suggested reaching out to the BKW clubs for volunteers.
- b. Reschedule Comp Plan Review Workshop – The board scheduled the workshop for Wednesday, October 4, 2017 at 7:30pm.
- c. Water Softener – Councilwoman Pokorny presented quotes for water systems for both the highway garage and town hall.

Culligan: \$2,799.00 softener for highway and \$799.00 for a drinking water system or \$280 to install with a monthly rental fee of \$22.95.

Hwy Superintendent Salisbury stated that this doesn't need to be done now and could wait. Councilman Barcomb responded that this keeps coming up as a major concern at annual site visits so renting equipment seems to be a good temporary way to go.

Councilwoman Pokorny received quotes for water systems for the town hall:
Culligan: softener - \$2799.00 or monthly payment of \$22.95 per month with \$280 install.
Plumbing Today - \$6,856.00

The board agreed that a water softener was probably most needed for the Town Hall. Supervisor Lefkaditis will find the previous quote he received from Culligan for \$300 installation and \$50 monthly rental.

- e. Dog Control Program – Councilwoman Pokorny provided quotes for a temporary holding shelter for a total of \$691.04
 - 54" x 37" x 45", 81.2 pounds - Buy four to make two large kennels = \$531.16
 - Dog crate replacement pans: \$27.99 x 4 = \$111.96
 - Stainless steel Snap'y Fit kennel 4 cup bowl clamps to crate: \$5.99 x 8 = \$47.92

Lou provided the board with a list of obsolete equipment to be removed from the shop to make room for these crates. The temporary holding shelter will eliminate bringing all lost dogs to the Mohawk Hudson Animal Shelter in Menands. Aggressive dogs and unclaimed dogs (after 5 days) will still go to MHAS. Councilman Barber stated that dog shelter fees can be set to cover the cost of keeping and caring for the dog in town.

RESOLUTION # 139-2017 – MOTION TO AUTHORIZE THE PURCHASE OF TEMPORARY HOLDING SHELTER AT NO MORE THAN \$691.04.

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

RESOLVED to authorize the purchase of temporary holding shelter at no more than \$691.04.

RESOLUTION # 140-2017 – MOTION TO DISPOSE OF OBSOLETE EQUIPMENT AND OR SELL AS PRESENTED.

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

RESOLVED to dispose of obsolete equipment and or sell as presented.

- f. Gutters have been installed and no water has come in since. Because of water in basement there is mold back in the corner by the kitchen that will have to be taken care of. Supervisor Lefkaditis stated that the board would solve the water problem first.
- g. Supervisor Lefkaditis received notification from the DOT that the requested town wide speed limit reduction was denied.
- h. Generator Repair Update – a leak cannot be found; a new radiator could solve the problem. Supervisor Lefkaditis presented a quote for \$6,304.07 for the purchase of a new radiator and \$1,672 in labor for the service call. A suggestion was made to contact the manufacturer, Caterpillar, to see if a repair kit is available. Supervisor Lefkaditis will contact and get an estimate.
- i. Building Use Policy – Councilman Hanley stated that no other towns allow the use of their town hall because of safety. Councilwoman Pokorny mentioned that coordination with cleaning of the town hall would need to be done as well. Supervisor Lefkaditis asked to revisit this at the next meeting to allow more time to consider this issue.
- j. Pending PILOT programs – Councilwoman Pokorny presented that for future projects

NYSERDA provides a model that could be considered as a draft and suggested reviewing to consider for future agenda.

- k. County Shared Services Plan – Supervisor Lefkaditis presented the final plan stating that the town has opted into half of the shared services plan (4 out of 8). Early 2018 implementation is expected:
 1. Community Choice Aggregation Energy Program
 2. County Health Consortium
 3. Create Additional Joint Purchasing Agreements and Centralized Contracts for Equipment, Materials, Services, and Supplies
 4. Retrofitting Lights to High Efficiency LED Lighting
- l. Town Hall Fire Alarm – Supervisor Lefkaditis presented 2 quotes to solve issue; one was from the Town Hall current security provider, Doyle Security for \$695.00 for install of new equipment with \$30/month monitoring fee with a five-year contract.

RESOLUTION # 141-2017 – MOTION TO APPROVE FIRE ALARM REPAIR BY DOYLE SECURITY FOR NO MORE THAN \$695.00 AND \$30 PER MONTH MONITORING FEE, EXCLUDING THE 5 YEAR CONTRACT.

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

RESOLVED to approve fire alarm repair by Doyle Security for no more than \$695.00 and \$30 per month monitoring fee; excluding the 5-year contract.

Councilwoman Pokorny stated that she needed documentation from Vas for the Electronics Recycling Grant.

Councilman Barcomb asked Supervisor Lefkaditis if the town has been reimbursed for the fireworks from the Pucker Street Fair. Supervisor Lefkaditis stated that half of the funds were received but invoices were sent out last week for the other half. Councilman Barcomb asked if the board could get the accounting for the fair, expenses and deposits, for 2016 and 2017. Supervisor Lefkaditis asked Town Clerk Murphy about deposits made and she replied that no funds were collected or given to her for 2016 or 2017. Supervisor Lefkaditis responded that Cathy Bates made the deposits.

10. NEW BUSINESS:

- a. 2 New Pet Disposal Stations have been installed in the town park for residents to use when walking their dogs in the park. The cost of these stations were covered by a grant from Albany County Soil and Water District.
- b. Councilman Barber presented two samples for review as options for a new town seal. The town is only 5 years away from it's 200 year anniversary and so the town would like to have a new seal to use. The two options were passed around for review and the board asked that they be put up online for review and voting by residents to decide the final seal. Supervisor Lefkaditis and Councilwoman Pokorny both commented that adding something into the seal to symbolize the historical Anti-Rent Wars would be appropriate and suggested designing a 3rd option that included that for voting.
- c. Definition and Purpose of a Variance – Town Attorney Dorfman read the NYS State law concerning variances (Sec.267 of town law for NYS) as well as the Knox Zoning Ordinance Article 6, Sec. 61 – Variances as described by Town Law 267. Supervisor Lefkaditis stated that to clear up a question by Councilman Barber a variance can override something that is not permitted.

- d. Schedule Public Hearing for proposed Route 146 Business District – Councilman Barcomb stated that he would like to have both opinions from the Planning Board and Conservation Advisory Council before decision is made. Supervisor Lefkaditis stated that he would send the planning board an email to have them review and recommend.

11. PERSONNEL:

RESOLUTION # 142-2017 – ACT ON RESIGNATION OF PLANNING BOARD SECRETARY. EFFECTIVE 7.1.17.

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

RESOLVED to act on resignation of Planning Board Secretary, effective 7.1.17.

Councilman Barcomb asked about the lack of ZBA minutes on the town website. Town Clerk Murphy said that she has requested them from the Secretary, Mackenzie Hempstead, several times and has never had a response. Supervisor Lefkaditis stated that he would contact Chairman John DeMis and Mackenzie Hempstead.

Supervisor Lefkaditis stated that the town is in the process of procuring \$39,000 in FEMA funds for Storm Stella and a claim has been put in for \$15,000 from a vehicle accident on Old Stage Road.

The board discussed the final motion for action on the Gun Club discussion. Supervisor Lefkaditis stated that he has a conflict of interest because he is a member of the gun club and that he doesn't believe that town funds should be spent for the NRA report if private landowner is using land properly.

Attorney Dorfman responded that according to the town zoning ordinance (A5, sec. 50 – pg. 37) that the town is obligated to enforce the zoning ordinance if there is a safety concern and advised the board to take the necessary steps to enforce this. Supervisor Lefkaditis stated that there is nothing to act on; don't have investigation report yet; overstepping boundaries. Attorney Dorfman stated that the town is not issue any violation; well within the attorneys responsibilities to request this based upon the information from residents based on dangerous situation.

Councilman Barcomb stated that the board should have Attorney Dorfman ask the Gun Club if they would be interested. A safety report from the NRA would only help them.

RESOLUTION # 143-2017 – MOTION TO AUTHORIZE TOWN ATTORNEY TO CONTACT THE HELDEBERG ROD AND GUN CLUB TO DISCUSS AN NRA SAFETY EVALUATION AND TO PROVIDE THE TOWN WITH THEIR REPORT.

On motion of Councilman Barcomb, seconded by, Councilman Hanley, the following resolution was carried by 4 Ayes (Barcomb, Barber, Pokorny, Hanley) and 1 Abstain (Lefkaditis).

RESOLVED to authorize Town Attorney to contact the Heldeberg Rod and Gun Club to discuss an NRA safety evaluation and to provide the town with their report.

The Board acted on the BOND resolution as stated below.

RESOLUTION # 144-2017 – AUTHORIZE ISSUANCE OF SERIAL BONDS IN A AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$480,000 OF THE TOWN OF KNOX, ALBANY COUNTY.

NEW YORK, FOR THE PURPOSE OF REFINANCING BOND ANTICIPATION NOTES ISSUED FOR THE CONSTRUCTION OF AN ADDITION TO THE TOWN HALL, PURSUANT TO THE LOCAL FINANCE LAW AND CHAPTER 39 OF THE 2017 LAWS OF NEW YORK TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE SUCH BONDS TO THE TOWN SUPERVISOR.

On motion of Supervisor Lefkaditis, seconded by, Councilman Barcomb, the following resolution was carried unanimously. The foregoing resolution was thereupon declared duly adopted.

BOND RESOLUTION DATED SEPTEMBER 19, 2017

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$480,000 OF THE TOWN OF KNOX, ALBANY COUNTY, NEW YORK, FOR THE PURPOSE OF REFINANCING BOND ANTICIPATION NOTES ISSUED FOR THE CONSTRUCTION OF AN ADDITION TO THE TOWN HALL, PURSUANT TO THE LOCAL FINANCE LAW AND CHAPTER 39 OF THE 2017 LAWS OF NEW YORK TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town authorized the construction of the addition to the Town Hall (the "Project") by resolution adopted by the Town Board of the Town of Knox on August 24, 2009; and

WHEREAS, the Town financed the cost of undertaking the Project as described in Chapter 39 of the 2017 Laws of New York (the "Special Act"), attached hereto as Exhibit A; and

WHEREAS, the principal amount outstanding of bond anticipation notes issued by the Town for the financing of the Project is equal to approximately \$480,000; and

WHEREAS, the Town now desires to refinance the bond anticipation notes with the issuance of serial bonds, with such serial bonds to be purchased by KeyBank N.A., with the terms to be finalized but currently described as the following: six year term and an interest rate equal to .88%; and

BE IT RESOLVED, by the Town Board of the Town of Knox, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. Pursuant to the Special Act, the Town is authorized to undertake the financing of the Project. The original aggregate estimated maximum cost of said purpose did not exceed \$1,700,000.

SECTION 2. It is hereby determined that the Project is an object or purpose described in subdivision 12(a) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty (25) years.

SECTION 3. The Town Board plans to refinance the outstanding bond anticipation notes issued to finance the Project by the issuance of serial bonds in an amount not to exceed \$480,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law and the Special Act.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this

resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds authorized by Section 3 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the issuance of bonds for the purpose of refinancing the bond anticipation notes issued for the Project is a Type II action that will not have a significant effect on the environment, and, therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The law firm of Hodgson Russ LLP, Albany, New York, is hereby appointed to act as bond counsel to the Town in connection with the issuance of the obligations described in this resolution and terms of the engagement letter provided by bond counsel are hereby approved.

SECTION 13. The validity of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of

this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) *Said obligations are authorized in violation of the provisions of the Constitution of New York.*

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 15. Pursuant to the Special Act, this resolution is not subject to permissive referendum in accordance with Subparagraph 1 of Paragraph b of Section 35.00 of the Local Finance Law and shall take effect immediately.

SECTION 16. Pursuant to the Special Act, the terms and conditions contained in the resolutions previously adopted by the Town in connection with the undertaking of the Project and the issuance of the bond anticipation notes are hereby ratified and confirmed, except as they conflict with this resolution.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Councilwoman Pokorny asked about the wiring for security cameras at the Transfer Station and when that would be complete. Supervisor Lefkaditis stated that the highway guys started wiring for them and it would need to be finished up.

RESOLUTION # 145-2017 - APPROVAL OF MONTHLY REPORTS

On motion of Councilman Barcomb, 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 August 2017 be approved.

RESOLUTION 146-2017 - PAYMENT OF BILLS

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

RESOLVED that the Bills be paid on General Abstract #9-2017 of the General Fund, covering claims #237-270 in the amount of: \$53,748.07 and of the Highway Fund, covering claims #271-290 in the amount of: \$24,914.05 for the year 2017.

13. PUBLIC DISCUSSION:

Resident Ed Ackroyd addressed the board about the concern that WWII veterans were not allowed tax exemptions for school taxes but a new law was passed in June so next year this will go into affect.

Mr. Ackroyd also stated that he has been meeting with the BKW School District to discuss the possibility of splitting taxes into 4 payments instead of 1 payment. This would make it easier for

elderly/seniors who need to budget for taxes. Mr. Ackroyd suggested that this is something the town could look into as well for property taxes.

With no further business, on a motion of Councilman Barcomb, seconded by Councilman Hanley, the meeting was adjourned at 9:36 p.m. Carried unanimously.

Respectfully Submitted,
October 5, 2017
Tara L. Murphy