

**Town of Knox
Regular Meeting/Public Hearing
March 11, 2008**

PRESENT: Supervisor Hammond
Councilwoman Gage
Councilwoman Nagengast
Councilman Decker
Councilman Viscio

ALSO: Town Attorney Dorfman
Town Clerk Swain
Highway Superintendent Salisbury

The meeting was called to order at 7:28 p.m. with the Pledge of Allegiance to the Flag.

RESOLUTION # 40 - APPROVAL OF MINUTES

On motion of Councilman Decker, seconded by Councilwoman Nagengast, the following resolution was ADOPTED AYES 5 NAYS 0
RESOLVED that the minutes of the February meeting be approved.

RESOLUTION # 41 - APPROVAL OF MONTHLY REPORTS

On motion of Councilman Viscio, seconded by Councilwoman Nagengast, the following resolution was ADOPTED AYES 5 NAYS 0
RESOLVED that the Reports of the Town Clerk and the Town Supervisor for the Month of February be approved.

RESOLUTION # 42 - PAYMENT OF BILLS

On motion of Councilman Decker, seconded by Councilwoman Gage, the following resolution was ADOPTED AYES 5 NAYS 0
RESOLVED that the Bills be paid on General Abstract #03 of the General Fund, covering claims #66-83 and of the Highway Fund, covering claims # 47-65 for the year 2008.

RESOLUTION #43 – SUSPEND REGULAR BOARD MEETING AND ENTER INTO PUBLIC HEARING

On motion of Councilwoman Gage, seconded by Councilman Viscio, the following resolution was ADOPTED AYES 5 NAYS 0
RESOLVED to suspend regular board meeting and enter into public hearing.

Supervisor Hammond read Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town of Knox will hold a Public Hearing pursuant to Sections 264 and 265 of the Town Law of the State of New York to amend the Zoning Ordinance of the Town of Knox and more specifically Section 31-District Boundaries, Subdivision 2 as follows: The removal of that portion of a parcel of land owned by the Town of

Knox located adjacent to and contiguous with the Town of Knox Transfer Station and more fully identified as a portion of land identified within Tax Map No. 46-1-37.13 from Land Conservation District # 2 (LC2) in the Town of Knox

Said hearing will be held on March 11, 2008, at 7:30 p.m. at the Town Hall, at which time all persons interested shall be given an opportunity to be heard.

By order of the Town Board, Town of Knox.

Dated: Knox, New York
February 12, 2008

Dan Driscoll, residing at Berne Altamont Road, Principal Editor, Helderberg Escarpment Planning Guide and Planning Board member; recommends that the property not be rezoned to permit a cell tower, but only the area needed for the Transfer Station expansion be rezoned. This site is adjacent to the historic Truax Road, the southern boundary of LC2, an area on the edge of the Helderberg Escarpment used for recreational purpose for the residents of Knox. A cell tower would be aesthetically incompatible with these land uses. The transfer station is several hundred feet uphill from an unnamed stream that goes into the Bozenkill, which then goes into the Watervliet Reservoir, which provides drinking water for the Town of Guilderland and the city of Watervliet. If any work is done at the Transfer Station, it must be done carefully.

Travis Stevens, residing in Knox, agrees with Dan Driscoll. That the land be used for the purpose of the expansion of the Transfer Station.

Fred Struck, residing on Township Road, who received these letters? And, if the land gets rezoned, could a land owner that has land in the LC2 get the land out? Supervisor Hammond responded, residents on Street and Middle Road received the letters. Councilman Decker responded that in 1980, land was taking out of LC1 for a land owner who wanted to construct a home.

Laurel Cole, residing at 99 Street Road, she is in full agreement with the Planning Board, preventing land contamination to the LC2 and preserve the land in the Town of Knox. A cell tower would pollute the ground water and contaminate well water along Street Road. Rezoning the land poses hazards to the residents.

Deborah Liddle, resides at 30 Middle Road, just built house at 259 Street Road, agrees with Laurel Cole. It took a long time to get good water and I don't want anything to happen with what I have. We do need cell phone service, but not at this location.

Fred Struck asked why did the Town choose this location? It's 45 feet higher in elevation.

Allen Myers of 74 Street Road states he can already see the Transfer Station from his house, and will be able to see the cell tower. The Street Road location is a high risk.

Marilyn West, residing at 100 Street Road, why construct a cell tower if it could contaminate our well water.

Travis Stevens – Why put the cell tower on Town property?

Jeff Cole residing at 99 Street Road, who submitted the idea to construct a cell tower or the need for cell service? Is the Street Road and Town Park the only sites chosen? Who has been in contact with Verizon?

Robert Price responded that the Street Road location is 45 feet higher in elevation, and the Verizon representative is very interested in the Street Road location. The Town Park has some draw backs; lower elevation and will be more visible. He also received an e-mail from Leslie Lombardo, Senior Planner of the Albany County Department of Economic Development, Conservation and Planning; This is a copy of the e-mail.

Hi Bob,

I am writing to get information about land in the County Ag District near this parcel, but I don't believe there is any within 500'. If not, there is nothing else to trigger a County Planning Board review. Our recommendation would likely have been to defer to local consideration with an advisory statement. The advisory would be a recommendation that the Town should, for its own protection, establish rules and regulations for the siting of wireless telecommunications facilities. Most Albany County municipalities have them. The second advisory would be that the zoning district boundary lines should follow tax parcel lines and not bisect properties. The EAF looks fine; I know your meeting is tonight, so I would go ahead with your discussion. I will confirm later this afternoon that this property is not subject to County Planning Board.

Leslie

Leslie Lombardo, Senior Planner

Albany County Department of Economic Development, Conservation and Planning

112 State St. Room 720

Albany, NY 12207

(518)447-5644 Leslie.Lombardo@AlbanyCounty.com

Deborah Liddle – How far in from the road would the tower be? And any liability on the cell tower?

Laurel Cole – Does the Town have a Zoning Ordinance regarding cell towers and if so, can we get a copy? Town Clerk to get a copy of the Zoning Ordinance for Ms. Cole.

Fred Struck – What would be the revenue for the Town? Supervisor Hammond has talked with the Towns of Middleburgh and Richmondville, the approximate revenue those town's receive is \$15,000 to \$25,000. Supervisor Hammond is unsure what the Town of Knox would get, we have not yet negotiated with cell phone carriers.

Attorney Dorfman stated that the Town is not subject to its own laws.

Councilman Viscio stated he is aware of how the geology works in this town; all of the limestone in this town is slanted to the southwest at approximately 15 to 20 degrees. If a spill occurs at the town park, it's going to contaminate more houses in the hamlet, which is more densely populated than the Street Road location. "Quite frankly," "when it comes to karst features in this town and the preservation of our precious water, Albany County Health Department has got to do a lot more than they're doing right now, because we're concerned

about a tower being placed on solid bedrock here that's not going to put out a single effluent."

Councilwoman Nagengast said, "from a safety standpoint, every parent that I've talked to is a proponent of a cell tower, just for safety purposes."

Councilwoman Gage thinks the board needs to look carefully at how a tower is constructed to hurt the least amount of people. No matter where it goes, somebody is going to get some of the effects from it.

Councilman Viscio responded that "cell towers are going to happen here." He said, "I was initially in total opposition to a cell tower being sited at the Street Road location." It's likely not going to be the last cell tower in town. We're going to have one or two more. There is a big safety factor here, that is what I've been hearing from a lot of people in town.

Supervisor Hammond reported that when the tower is built, the road leading to the Land Conservancy will be kept in the same, original condition.

Laurel Cole asked, "are you telling us that you've made your decision, and that the tower is going up on the Street Road location?"

"It sure sounds like it. You're convinced," said Jeff Cole.

"I am," said Supervisor Hammond.

Supervisor Hammond discussed some of the specifications, such as leaving the road as it was, an eight (8) foot high green fence, with razor wire on top.

RESOLUTION #44 – CLOSE PUBLIC HEARING AND RETURN TO REGULAR TOWN BOARD MEETING AT 8:53PM

On motion of Councilman Decker, seconded by Councilwoman Gage, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Town Board close public hearing and return to regular town board meeting.

RESOLUTION #45 – REMOVAL OF TOWN OWNED PROPERTY FROM LAND CONSERVANCY DISTRICT #2

On motion of Councilwoman Gage, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Town Board adopt the following resolution to remove land owned by the Town of Knox.

RESOLUTION

WHEREAS, pursuant to Section 264 and 265 of the Town Law, the Knox Town Board held a public hearing on March 11, 2008 to consider an amendment to the Town of Knox Zoning Ordinance for the removal of that portion of a parcel of land owned by the Town of Knox located adjacent to and contiguous with the Town of Knox Transfer Station and more fully

identified as a portion of land identified within Tax Map No. 46-1-37.13 from Land Conservation District # 2 (LC2) in the Town of Knox; and

WHEREAS, the Knox Town Board had previously conducted an informational hearing after due notice on January 22, 2008 at 7:30 p.m. at the Town Hall, Knox, New York; and

WHEREAS, the Knox Town Board is extremely interested in utilizing said property for the benefit and safety of the citizens of the Town of Knox which includes, but is not limited to, the expansion of the Transfer Station and the erection of a Cellular Tower: and

NOW, THEREFORE BE IT

RESOLVED, pursuant to Section 264 and 265 of the Town Law of the State of New York, the Zoning Ordinance of the Town of Knox and more specifically Section 31-District Boundaries, Subdivision 2 is hereby amended to remove that portion of a parcel of land owned by the Town of Knox located adjacent to and contiguous with the Town of Knox Transfer Station and more fully identified as a portion of land identified within Tax Map No. 46-1-37.13 from Land Conservation District # 2 (LC2) in the Town of Knox; and it is further

RESOLVED, that the description of the land situated within Land Conservation District #2(LC2) as contained in the Town of Knox Zoning Ordinance shall be amended and that the following language inserted at the end of the present description: Excepting and removing from said parcel that portion of a parcel of land owned by the Town of Knox located adjacent to and contiguous with the Town of Knox Transfer Station and more fully identified as a portion of land identified within Tax Map No. 46-1-37.13 .

Supervisor Hammond thanked the residents for a good meeting and appreciated all the comments and concerns everyone addressed.

Attorney Dorfman advised the board to vote a second time on the resolution to remove the town's property from the Land Conservation district.

Supervisor Hammond read the published Notice to Bidders to accept and open bids for one (1) new 2008 9,200 GVWR Single Rear Wheel, Four Wheel Drive, Extended Cab with Pick Up Body and Step Bumper. A total of two bids were received and opened. Bid #1 was received from Robert Green Truck Division, P.O. Box 8002, Rockhill, NY 12775 for a 2008 Chevrolet CK20753 Extended Cab Pickup exactly as per specifications for \$34,729.00 without trade and \$27,229.00 with trade of 2002 Ford F250, trade allowance of 2002 Ford F250 is \$7,500.00. Bid also included a Non-Collusive bidding certificate. Bid #2 was received from DePaula Chevrolet Hummer, 785 Central Avenue, Albany, NY 12206 as per specifications, for \$34,156.00 without trade, and \$31,156.00 with trade of 2002 Ford F250, trade allowance of \$3,000.00 of 2002 Ford F250. Bid also included a Non-Collusive bidding certificate.

Highway Superintendent Salisbury recommends that the board accept the bid from Robert Green Truck Division.

RESOLUTION #46 –ACCEPT BID FROM ROBERT GREEN TRUCK DIVISION FOR A 2008 9,200 GVWR SINGLE REAR WHEEL, FOUR WHEEL DRIVE, EXPENDED CAB WITH PICKUP BODY AND STEP BUMPER FOR \$27,229.00 WITH TRADE IN OF

2002 FORD F250

On motion of Councilman Viscio, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Town Board accept bid from Robert Green Truck Division for new 2008 pickup.

Highway Superintendent Salisbury to call for pricing on a new sander for this truck.

RESOLUTION #47 –AUTHORIZE SUPERVISOR HAMMOND TO PAY \$27,229.00 FOR NEW 2008 PICKUP TRUCK UPON DELIVERY

On motion of Councilman Viscio, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Town Board authorize Supervisor Hammond to make payment of \$27,229.00 for new 2008 truck upon delivery.

RESOLUTION #48 –AUTHORIZE HIGHWAY SUPERINTENDENT SALISBURY TO PURCHASE PLOW AND FRAME FOR NEW TRUCK FROM STATE CONTRACT

On motion of Councilwoman Nagengast, seconded by Councilwoman Gage, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Highway Superintendent purchase plow and plow frame on state contract for new truck.

Highway Superintendent Salisbury received another collection notice regarding a Verizon bill dating back to 2004 or 2005. Attorney Dorfman to review.

Hazardous Waste Collection will be held on Saturday, May 3, 2008 from 8am until 1:00pm at the Town of Bethlehem. Town Clerk Swain to prepare vouchers for participants.

RESOLUTION #49 –AUTHORIZE HIGHWAY SUPERINTENDENT SALISBURY TO ENTER INTO AGREEMENT WITH TOWN OF BETHLEHEM FOR THE HAZARDOUS WASTE COLLECTION DAY

On motion of Councilman Decker, seconded by Councilwoman Nagengast, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that Highway Superintendent Salisbury be authorized to enter into agreement with the Town of Bethlehem for the Hazardous Waste Collection Day.

RESOLUTION #50 –AUTHORIZE HIGHWAY SUPERINTENDENT SALISBURY TO RENT AN EXCAVATOR FOR A WEEK TO PRODUCE SHALE AT THE SHALE PIT

On motion of Councilwoman Nagengast, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that Highway Superintendent Salisbury be authorized to rent an excavator for one week to produce shale.

RESOLUTION #51- ENERGETIX TO CONTINUE TO PROVIDE DRUG TESTING SERVICE FOR TOWN OF KNOX HIGHWAY EMPLOYEES

On motion of Councilwoman Gage, seconded by Councilman Viscio, the following

resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that Energetix to continue to provide drug testing service for Town of Knox Highway employees.

Highway Superintendent Salisbury reported as of April 1, 2008 the Town of Knox Transfer Station will start accepting glass, again. Supervisor Hammond recommends that we use eLot Recycling, for electronics at no cost to the town.

RESOLUTION #52- AUTHORIZE SUPERVISOR HAMMOND TO SIGN CONTRACT WITH ELOT RECYCLING FOR THE PURPOSE OF RECYCLING ELECTRONICS

On motion of Councilman Viscio, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that Supervisor Hammond be authorized to sign contract with eLot Recycling for recycling electronics.

Supervisor Hammond reported that he met with the state's Department of Transportation on February 28. DOT will rip up three inches of Route 156 and lay five and a half to six inches on new blacktop between the village of Altamont and the Knox hamlet, sometime this summer. There is no date in which this will happen, but it is going to definitely be happening. Hammond said, "the road is in such deplorable condition that something needs to be done now."

Louis Saddlemire, Park Superintendent spoke with Supervisor Hammond regarding road work that needs to be done in the Knox Cemetery. Hammond said, the center hump of the road needs to be flattened and, possibly, some shale needs to be laid down. Nothing expensive at all, Hammond said. Attorney Dorfman to look into town laws regarding this.

Supervisor Hammond reported that the Board of Assessment Review has a vacancy. Hammond presented Joycelyn Farrar, of 977 Township Road for consideration. Joycelyn had served on the Zoning Board of Appeals in the mid 1980's.

RESOLUTION #53-APPOINT JOYCELYN FARRAR TO THE BOARD OF ASSESSMENT REVIEW

On motion of Councilwoman Gage, seconded by Councilwoman Nagengast, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the town board appoint Joycelyn Farrar to the Board of Assessment Review for the remainder term of Robert Whipple, September 30, 2008.

RESOLUTION #54-AUTHORIZE SUPERVISOR TO MAKE TRANSFER OF \$70,000.00 FROM GENERAL FUND TO BUILDING CAPITAL RESERVE FUND AS PER BUDGET

On motion of Councilman Viscio, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Supervisor be authorized to make transfer of \$70,000.00 from General Fund to Building Capital Reserve Fund as per budget.

Supervisor Hammond reported that the application of the Department of Rural Development for

the grant is complete. Set meetings with Charlie Sacco and start the architectural development.

RESOLUTION #55-AUTHORIZE SUPERVISOR HAMMOND TO SIGN STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEORA)

On motion of Councilman Decker, seconded by Councilwoman Nagengast, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that Supervisor Hammond be authorized to sign the State Environmental Quality Review Act as declaration to project regarding public hearing.

RESOLUTION #56- REMOVAL OF TOWN OWNED PROPERTY FROM LAND CONSERVANCY DISTRICT #2

On motion of Councilman Decker, seconded by Councilwoman Nagengast, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Town Board adopt the following resolution to remove land owned by the Town of Knox.

RESOLUTION

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WHEREAS, the Knox Town Board had previously conducted an informational hearing after due notice on January 22, 2008 at 7:30 p.m. at the Town Hall, Knox, New York; and

WHEREAS, the Knox Town Board is extremely interested in utilizing said property for the benefit and safety of the citizens of the Town of Knox which includes, but is not limited to, the expansion of the Transfer Station and the erection of a Cellular Tower: and

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RESOLVED, that the description of the land situated within Land Conservation District #2(LC2) as contained in the Town of Knox Zoning Ordinance shall be amended and that the following language inserted at the end of the present description: Excepting and removing from said parcel that portion of a parcel of land owned by the Town of Knox located adjacent to and contiguous with the Town of Knox Transfer Station and more fully identified as a portion of land identified within Tax Map No. 46-1-37.13 .

Enter into executive session to discuss Union contract negotiations at 10:45p.m.
No decisions were made.

With no further business, on a motion of Councilman Decker, seconded by Councilwoman Nagengast, the meeting was adjourned at 10:55p.m. Carried unanimously.

Respectfully Submitted,
March 22, 2008

Kimberly D. Swain