

**Town of Knox
Regular Meeting
March 11, 2014**

PRESENT: Supervisor Hammond
Councilwoman Pokorny
Councilman Barber
Councilman Viscio
Councilman Decker

ALSO: Town Attorney Dorfman
Town Clerk Murphy
Highway Superintendent Salisbury

The meeting was called to order at 7:32 p.m. with the Pledge of Allegiance to the Flag.

Supervisor Hammond opened the floor for public comment after reviewing the schedule of items to be addressed at the meeting.

Dan Driscoll, member of the Planning Board, read into record the minority report filed after the Planning Board meeting on February 27th regarding the decision for the Route 146 Business District, which raised objections to the proceeding and purpose of that meeting.

Nicole Stripolli, Counsel for Kristen Reynders, owner of Hitmans Towing, addressed the board with regard to the recent Planning Board approval of the Rt. 146 Business District and asked that the Town Board do the same.

Joe Dover, resident of Village of Altamont, expressed his support for the Reynders family and hopes that the board will give them a chance.

Bob Gwin, member of Planning Board, discussed the motion that was passed unanimously by the Planning Board for Business District #1 stating that the location was a sound choice that was centrally located. Bob further explained the extensive review by the Planning Board of both the pros and cons of this decision and believed, as a whole, that the multi-use district created a place in town for businesses to come. Mr. Gwin stated that the town needs to be fair to all businesses not just one economic interest; don't break laws for just one.

Robert Price, Chairman of the Planning Board, reviewed the Planning Boards response in favor of the Rt. 146 Business District that was submitted to the Town Board from their meeting on February 27th.

John Elberfeld read a memo to the Town Board regarding questions about the future of the Highlands Restaurant, Hitman Towing's court date, and the rezoning changes with regards to the Comprehensive Plan.

Pamela Fenoff, Recording Secretary for Knox Planning Board, requested that the Town Board put a business district on the ground and move forward. She expressed that zoning laws are inherently unfair and explained that the Comprehensive Plan and Zoning Ordinance are both living documents designed to be changed.

Chasity McGivern brought new plans for the Senior Housing project explaining that they have been forwarded to the Planning Board and has been added to the agenda for review at the next Planning Board meeting.

Supervisor Hammond verified with Bob Price that the Senior Housing project has been added to the agenda for the new meeting.

Dan Stuart, Knox residents, expressed their support for Hitmans Towing.

Tim Frances, Knox resident, also spoke in support of Hitman's towing.

Anna Wolfe, Knox resident, requested that the Town Board make a motion to approve the Rt. 146 Business District and send to Planning Board for review.

Donald Hempstead, Knox resident, expressed his concerns about zoning laws not being enforced around town.

With no further comments the board proceeded with regular business.

Supervisor Hammond asked Clerk Murphy if there were any further trailer court renewal permits to review. Clerk Murphy explained that follow-up letters have been sent as well as phone messages left with the two remaining trailer court owners looking for remaining paperwork to be sent in for review but nothing has come in yet.

Supervisor Hammond asked Bob Price to review findings regarding Business District #1 (Hamlet Area). Mr. Price reviewed the recommendations of the Planning Board in moving forward with Business District #1 including:

1. Planning Board strongly recommends writing all land owners in the designated Business District (approximately 63 land owners) to notify them of the proposed business district including a map of the designated area.
2. Notify Albany County Planning
3. Notify NYS Office of Records of which contact information has been forwarded to Clerk Murphy
4. All paperwork should be available on the town website and printed in the paper.

Supervisor Hammond asked about the timeline for notifying Albany County.

Mr. Price explained that we are 30 days out of sync with Albany County meetings and Clerk Murphy will have to fill out a form to be added to their agenda. Mr. Price explained that getting the letters out and the notice of public hearing into the paper and on the website would be the first priority.

Supervisor Hammond stated that the Town Board would act on this tonight.

Councilman Decker asked to review the boundary line of the proposed Business District #1 and inquired about the buffer strip between residents and businesses.

Mr. Price stated that this is addressed in Article V of the notice of public hearing and would be an item of review by the Planning Board in any new business.

Councilman Viscio reviewed amendments to Article IV regarding permissive and conditional types of use under the Multi-Use definition.

Mr. Price explained that this would protect residents with current residential use but would now allow things that were restricted previously such as light industrial, office park, etc.

Supervisor Hammond reviewed boundary line again verifying that the boundary line follows existing property lines to ensure that full properties be included in the business district boundary and not cut in half by the Business District boundary line.

Mr. Price confirmed that this has been followed and implemented.

Supervisor Hammond stated that the town has been anticipating this for a long time. With much discussion and contemplation on location of the business district – to get to this point has not been easy.

Councilman Viscio looked at previous proposal from Planning Board and stated that the smaller size was limited. The new drawn line gives the ability to have a diverse number of businesses.

Councilman Decker stated that this proposal is 100% better than the first with much more latitude.

Travis Stevens requested that the Town Board hold an informal workshop for Hamlet residents prior to the Public Hearing so residents have time to review the proposal without pushing it back.

Supervisor Hammond and Councilman Viscio discussed the logistics of this stating that any major issues brought up in an informal workshop would delay the public hearing and require it to be postponed.

Attorney Dorfman suggested that the maps be put on the town website along with the Notice of Public Hearing so residents can review the proposed area as well as make them available at the town hall.

Councilman Barber suggested including the map in the letter that is going to all Hamlet residents.

Councilman Viscio explained that the purpose of the Public Hearing is for residents to come and ask questions or express their opinions. If major objections are raised at that time and we have to pause the process for review we will or if everyone is satisfied we will move forward.

RESOLUTION #40-2014 – PUBLISH NOTICE OF PUBLIC HEARING FOR BUSINESS DISTRICT #1 TO BE HELD AT THE APRIL 2014 TOWN BOARD MEETING AND AUTHORIZE THE MAILING OF LETTERS TO RESIDENTS OF THE HAMLET

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

RESOLVED to publish notice of public hearing for Business District #1 to be held at the April 2014 Town Board meeting and authorize the mailing of letters to residents of the Hamlet.

Supervisor Hammond reported that the Business District proposal for Rt. 146 was put to the Planning Board to investigate and was voted down in October 2013. At the January 2014 Town Board meeting residents asked that information and petition be brought back to the Planning Board for consideration.

Supervisor Hammond explained that the board has not lost an eye on Business District #2 and would like to move forward with this, however, under auspices of the Comprehensive Plan which is the right way to do it. Supervisor Hammond asked that the resident work with the board to help complete the Comprehensive Plan so that the business district can be put forward without concerns around spot zoning and, at the same time, conforms to New York State law regarding Comprehensive Plans.

Vasilios Lefkaditis expressed his concerns over the belief that the board was choosing to follow the minority opinion of the Planning Board and choosing to overturn the Planning Board decision.

Supervisor Hammond responded that State law requires the town to follow the Comprehensive Plan.

Councilman Viscio responded that at the last board meeting the residents were asking the town board to overturn the Planning Board's original decision not to have a Business District #2. Referring to the Minority Report from the February 27th Planning Board meeting, he explained that there is concern over the misconception that the Town Board "charged" the Planning Board with choosing 1 of the 3 least objectionable options on the petition. Councilman Viscio further explained that the Planning Board can be petitioned to change zoning laws however the premise that the Town Board asked them to pick the "least objectionable" option is false.

Councilman Viscio went on to explain that the board is not overriding the Planning Board decision, in fact the board is in agreement regarding the goals of everyone, and will look at the proposal and work to do this, but the right way, not in a reactive way.

The Planning Board is responsible for planning, they are not legal experts who can give legal definition of spot zoning. Attorney Dorfman stated that the Planning Board was operating under an assumption they were "mandated" by the Town Board to come back with a decision based on 3 options. Attorney Dorfman continued that if any part of their deliberation was based on the incorrect perception that the town has done anything to create this "situation" is totally erroneous. Regarding information about trail dates or hearing dates Attorney Dorfman stated that he should only be talking with Counsel on this topic and this is not an appropriate forum for that discussion.

Supervisor Hammond said he is unable to put a timeline on the Comp. Plan but wants to get a good plan in here and move forward as quickly as possible. A Public Hearing will be held once we have something to go with.

Several attendees expressed their objection to waiting any longer and requested that the board act on something right away.

Councilman Viscio stated that mixing the words of the Town Board and endorsing misinformation, with multiple opportunities to correct those statements, is a very serious matter. Several Planning Board members have vocalized that they did not like being pushed into a decision.

Supervisor Hammond stated that he would like to move ahead with positive action.

RESOLUTION #41-2014 – MOVE TO ENCOURAGE THE POSSIBLE DEVELOPMENT OF A BUSINESS DISTRICT ON ROUTE 146 CORRIDOR IN COOPERATION WITH COMPREHENSIVE PLAN; UPON COMPLETION OF THE COMPREHENSIVE PLAN

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

RESOLVED to encourage the possible development of a business district on Route 146 corridor in cooperation with the comprehensive plan; upon completion of the comprehensive plan.

Supervisor Hammond concluded by stating that he would like to move to get this done quickly.

Bob Smith, realtor for Kristen Reynders, approached the board to express his objection to the Town Boards decision stating that the Board is listening to just one member of the Planning Board.

Mr. Gwin refuted these comments stating that he addressed the Planning Board with information from a member of the Department of State Training Bureau who is responsible for training boards to define and identify spot zoning. As a member of the Planning Board Mr. Gwin stated that he was verbally beaten to his decision and was told by the Recording Secretary that he could not abstain his vote.

Supervisor Hammond explained that a resolution must be passed setting the length of work day for part-time laborers and landfill attendants as required by NYS Retirement system. This is done so that if a part-time laborer should wish to apply for NYS retirement benefits the town would have a way to calculate that time. NYS requires 6 hours a day as the minimum and 8 hours a day as the maximum. Supervisor Hammond read the required resolution:

BE IT RESOLVED, that the Town of Knox, Location code 30672, hereby established the following as standard work days for its employees and will report days worked to the New York State and Local employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

- Laborers (PT) – 6.00 hours/day
- Landfill Attendees (PT) – 6.00 hours/day

RESOLUTION #42-2014 – MOTION TO ESTABLISH STANDARD WORK DAY FOR PART-TIME EMPLOYEES AS REQUIRED BY THE NYS RETIREMENT SYSTEM

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

RESOLVED to establish the standard work day for part-time employees as required by the NYS Retirement System as Laborers (PT) at 6.00 hours/day and Landfill Attendees (PT) at 6.00 hours/day.

Supervisor Hammond presented the board with a check of \$710.50 from NYMIR through Amsure Insurance. These funds are being returned to the town because of interest earned on funds in the original capital program. Supervisor Hammond will deposit check into the general fund.

Ed Ackroyd presented the board with a request to raise the Veteran tax exemptions on property taxes. Currently, Mr. Ackroyd represents two veterans groups which have gone to the School Board to look at school tax exemption, however the school districts are looking to the towns for what to do. Mr. Ackroyd explained that exemptions have not been reviewed by the town since 1997 when they were set at the lowest level. (Veterans: \$6,000/ Combat: \$4,000/ Disabled Vet: \$20,000).

Mr. Ackroyd requested that the town raise the exemptions to the highest level, stating that the Town of Berne has currently done this and it is his belief that the Town of Westerlo will be doing the same.

Mr. Ackroyd stated that he believes the estimated tax increase amount is somewhere between 1.6% and 1.8% per tax payer.

Supervisor Hammond stated that Russ Pokorny, Knox Tax Assessor, would have to look into this and get the numbers for the Town Board to review any further. He continued that this was looked at years ago in 1997 and is subject to annual review. The Board would have to take a look at all of this, deliberate on it, and make a determination.

Supervisor Hammond stated that the Board must resolve to accept, adopt, comply and implement the Solid Waste Management Plan (SWMP) as required by the City of Albany and the New York State Department of Conservation. Supervisor Hammond read the proposed resolution as follows:

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF KNOX TO:
COMPLY WITH THE SOLID WASTE MANAGEMENT PLAN FOR
THE CAPITAL REGION SOLID WASTE MANAGEMENT PARTNERSHIP**

WHEREAS, in order to promote the public health, safety and welfare and further the purposes of the New York State policy on solid waste management articulated in New York Environmental Conservation Law § 27-0106, the Town of Knox is a member of the Capital Region Solid Waste Management Partnership Planning Unit (“Planning Unit”), formerly the Albany New York Solid Waste Energy Recovery System (ANSWERS) Solid Waste Management Planning Unit; and

WHEREAS, on behalf of the Planning Unit, and with the guidance of a Steering Committee consisting of representatives from each municipality in the Planning Unit, among other stakeholders, the City

of Albany had prepared a Solid Waste Management Plan (SWMP) which had been submitted for acceptance to the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the City of Albany Common Council was designated Lead Agency for the review of the Draft SWMP pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the City of Albany prepared a Final Generic Environmental Impact Statement (FGEIS), including responses to all comments received during the public comment period, in accordance with SEQRA regulations 6 NYCRR 617.10 and submitted a copy of the FGEIS to each member of the Planning Unit; and

WHEREAS, the City of Albany Common Council passed a resolution on February 7, 2011 declaring the FGEIS complete in accordance with SEQRA regulations 6 NYCRR 617.10; and

WHEREAS, the City of Albany Common Council, as Lead Agency, passed a resolution on March 11, 2011 in which it adopted a Statement of Findings pursuant to 6 NYCRR Part 617.11 of the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Knox accepted and adopted the FGEIS, SWMP and Findings Statement adopted by the City of Albany Common Council, and agreed to accept and adopt those documents as representing the long-term plan for the Planning Unit; and

WHEREAS, the Town of Knox extended its membership in the Planning Unit by authorizing the Supervisor to enter into and execute the Inter-municipal Agreement with the members of the Planning Unit; and

WHEREAS, in response to comments received from the New York State Department of Environmental Conservation on September 26, 2012, the City of Albany submitted a Revised Draft Solid Waste Management Plan to the NYSDEC on October 7, 2013; and

WHEREAS, the City of Albany has submitted a 2-volume Solid Waste Management Plan (SWMP) dated January 2014 which contains all of the changes agreed to by the NYSDEC and which have been deemed approvable, pending the Common Council, as Lead Agency, filing an amended findings statement; and

WHEREAS, by Resolution dated March 3, 2014, the City of Albany Common Council, as Lead Agency, accepted and adopted the Solid Waste Management Plan dated January 2014 as Final and authorized that it be submitted to the New York State Department of Environmental Conservation as representing the long-term plan on behalf of the Capital Region Solid Waste Management Partnership Planning Unit;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Knox hereby accepts and adopts the Solid Waste Management Plan dated January 2014 as the long-term plan for the Planning Unit.

BE IT FURTHER RESOLVED, that the Town of Knox will implement the solid waste management programs, projects and plans as identified in the final Solid Waste Management Plan dated January 2014.

RESOLUTION #43-2014 – COMPLY WITH THE SOLID WASTE MANAGEMENT PLAN FOR THE CAPITAL REGION SOLID WASTE MANAGEMENT PARTNERSHIP

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

RESOLVED to comply with the Solid Waste Management Plan for the Capital Region Solid Waste Management Partnership.

Councilman Decker asked Highway Superintendent Gary Salisbury if everything is okay at the transfer station and if we are in compliance currently.

Councilwoman Pokorny stated that we need to implement recycling of light bulbs and that she will have pricing from 2 different vendors for that service by the next meeting.

Councilman Decker asked if new requirements were being posted to the website and at the Transfer Station.

Councilwoman Pokorny responded that she has 2 different posters with illustrations that will be hung at the transfer station to help people identify the light bulbs that will need to be recycled.

Supervisor Hammond reminded the Board that the USPS will be holding a meeting at the Town Hall on March 25th at 5:30pm with regards to the future plans of postal services in town. He also reminded residents that a survey has been sent out asking about postal service use in the area and encouraged all that received the survey to send it back as soon as possible. Councilwoman Pokorny added that the deadline is March 20th.

Councilman Decker asked if the USPS plan was still the same and verified that they are just coming to review the plan. Supervisor Hammond responded that it is still the original plan being discussed.

Supervisor Hammond stated that the Board must set the term of appointments for newly appointed CAC members: Eric Kuck – December 31, 2017, Tony Forti – December 31, 2020, and Travis O’Donnell – December 31, 2021.

RESOLUTION #44-2014 –SET TERM OF APPOINTMENTS FOR NEWLY APPOINTED MEMBERS OF CONSERVATION ADVISORY COUNCIL

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

RESOLVED, that the terms of appointment for newly appointed members of the Conservation Advisory Council be set as follows:

Eric Kuck – December 31, 2017

Toni Forti – December 31, 2020

Travis O’Donnell – December 31, 2021

RESOLUTION # 45-2014 - APPROVAL OF MONTHLY REPORTS

On motion of Councilman Decker, seconded by Councilman Barber, 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 2014 be approved.

RESOLUTION # 46-2014 - PAYMENT OF BILLS

On motion of Councilman Barber, seconded by Councilwoman Pokorny, 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 #42-58 & 68, 69 in the amount of \$8,953.25 and of the Highway Fund, covering claims 59-67 in the amount of \$14,583.63.

Supervisor Hammond mentioned that the propane has been refilled recently at the Town Hall and although the town does not pay full retail rate of \$5.00/gallon, the town is paying \$2.49/gallon which is a sharp increase from the past and is effecting cost of operation not only at the Town Hall but also at the Highway Garage as fuel oil is also more expensive.

Highway Superintendent Salisbury reported that he is currently working on the State side of the projected reimbursement for the Dutch Settlement project. The format is completely different from the federal program so he has spent time at Cornell Cooperative working to get this done. He reported that it looks like about \$25,000 will be coming back for the Dutch Settlement project and there is nothing yet set for the Hill & Dale project.

Highway Superintendent Salisbury also reported on a new shared service being put together by the Town of Guilderland along with 7-9 other towns and villages to purchase a diagnostic computer for larger trucks. The diagnostic software would cover 2 engine types, Cummins and Navistar, which will cover the town trucks including the new one on order. The cost of the program is being estimated right now based on 7 towns joining and would include a \$515.00 one time start-up fee as well as a yearly maintenance fee of \$95.00. Salisbury recommended that the town join the program stating that this type of equipment is too expensive for just one town to purchase. Salisbury added that at this point in time it is over \$100.00 just to get one truck diagnosed so the cost would be covered by just one truck each year. A shared services agreement would be worked on later but it would be set up to swap labor rather than money for services. Superintendent Salisbury is just looking for support from the Board at this point to join the program so that the cost of joining can be calculated based on more solid numbers.

Supervisor Hammond responded that this is generally a good idea and makes sense but it will be incumbent upon us to keep track of registered hours and track it carefully. Checking with the Board for their opinions, all were in favor of moving forward with this.

RESOLUTION # 47-2014 - APPROVAL OF MINUTES

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

RESOLVED that the minutes of the February 11, 2014 meeting be approved.

Supervisor Hammond discussed the Top Lot project at the Town Park stating that the Girl Scouts would like to participate in the construction of a sandbox. Supervisor Hammond mentioned that there are intrinsic problems with sandboxes and that those issues would have to be worked through. He mentioned that perhaps some kind of a top cover for the sandbox could be made to protect it. Supervisor Hammond also mentioned that there are several catalogs for the kind of equipment that would be appropriate for the top lot area.

Councilwoman Pokorny circulated copies of the draft of the public survey from the last workshop on the Comprehensive Plan. At this point Councilwoman Pokorny would like to have the project reviewed by Nan Stolzenburg to get her professional recommendations.

Councilwoman Pokorny mentioned that it should not take long, maybe 3-4 hours, since her recommendations have been followed closely so far and the survey follows a familiar format used by several other towns that Nan has worked with.

Councilman Viscio stated that it should not be held up waiting for a particular quote, we need her consult at this point.

Councilman Decker agreed that the process should not take long to review the 26 questions but it is necessary to have a professional make sure nothing has been missed.

Supervisor Hammond agreed stating that it is prudent to have a professional look over the survey.

RESOLUTION # 48-2014 – SERVICES NOT TO EXCEED \$500.00 FOR THE REVIEW OF AND TO MAKE RECOMMENDATIONS ON THE COMPREHENSIVE PLAN SURVEY

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

RESOLVED that services not to exceed \$500.00 for the review of and to make recommendations on the Comprehensive Plan survey.

With no further business, on a motion of Councilman Viscio, seconded by Councilman Decker, the meeting was adjourned at 10:20 p.m. Carried unanimously.

Respectfully Submitted,
March 23, 2014

Tara L. Murphy