

**Town of Knox
Regular Meeting
April 9, 2013**

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

ALSO: Town Attorney Dorfman
Town Clerk Swain
Highway Superintendent Salisbury

The meeting was called to order at 7:30 p.m. with the Pledge of Allegiance to the Flag.

Supervisor Hammond read the legal notice for the Public Hearing regarding the weight limit on Dutch Settlement Road.

NOTICE OF PUBLIC HEARING

PUBLIC NOTICE is hereby given that pursuant to Town Law section 130(7) the Town Board of the Town of Knox, will hold a public hearing on April 9, 2013 at 7:30 pm on establishing a maximum weight limit for motor vehicles traveling on Dutch Settlement Road, a Town road, at which time all persons interested will be heard.

Dated: Knox, New York
March 13, 2013

Kimberly D. Swain
TOWN CLERK

RESOLUTION #43 – OPEN PUBLIC HEARING ON ESTABLISHING A MAXIMUM WEIGHT LIMIT ON DUTCH SETTLEMENT ROAD

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

RESOLVED to open public hearing on the weight limit of Dutch Settlement Road.

Robert Price asked why the town is establishing a lower weight limit. Highway Superintendent Salisbury reported that the bank along the Fox Creek has become unstable since Hurricane Irene. Larger trucks have been traveling that road and damaged the guardrails. Highway Superintendent Salisbury has the appropriate permits to begin work from New York State Department of Environmental Conservation.

With no other comments regarding the weight limit, the public hearing will remain open for public comment.

Robert Altieri presented the board with a copy of a resolution to oppose the NY SAFE ACT. The copy was from the Town of Westerlo, in which a resolution was passed to oppose the NY SAFE ACT.

Brian Fish reported that sections of the NY SAFE ACT have been postponed. Parts A and C have been postponed.

Kim Swain addressed the board regarding her concerns with the SAFE ACT and would like the board to consider a resolution opposing it.

Town Attorney Dorfman asked how other towns are handling this.

County Legislature Deborah Busch reported Westerlo passed a resolution followed by the proclamation. Berne is holding a public hearing on this tomorrow and Rensselaerville passed a resolution in opposition as well, for a full repeal of the SAFE ACT. Fifty Seven out of the sixty two counties in New York State have passed resolutions for the repeal of the SAFE ACT.

Brian Fish added three arguments of this: a second amendment right, the time frame in which this law was passed, and funding.

Deborah Busch suggests holding a public hearing for input on the resident's views and interests on this topic. Towns, as well as cities are in opposition of this.

Robert Altieri grew up in East Berne and moved to Knox, four years ago. He grew up hunting and fishing. With Governor Cuomo passing this overnight, it's not right.

Supervisor Hammond stated his feelings are mutual, the aging process was too short for the passing of this law. He supports all who sit here tonight and came prepared. Knowing what was taking place in other surrounding towns; he prepared a resolution and would like to offer what he wrote.

WHEREAS, on January 15, 2013, the Governor of the State of New York signed the New York Secure Ammunition and Firearms Enforcement Act (Safe Act) into law, just one day after it was first introduced in the Legislature; and

WHEREAS, The Town Board of the Town of Knox seeks and considers public input as a standard process essential to the purpose of a democratic society; and

WHEREAS, The Town Board of the Town of Knox believes that the Statement of Necessity allowing the precipitous passage of the Safe Act cut off debate and full consideration of the act and its attendant consequences;

NOW, THEEFORE, BE IT RESOLVED, AS FOLLOWS:

The Town Board of the Town of Knox urges the Legislature to hold public hearings on the Safe Act to allow for public comment and consideration; and

The Town Board of the Town of Knox directs the Knox Town Clerk to send copies of this resolution to the Office of the Governor of the State of New York, the Office of the Speaker of the New York State Assembly, The Office of the Temporary President of the New York State Senate, The Office of the Senator of the 46th Senate District and the Office of the Assemblyman of the 111th Assembly District.

RESOLUTION #44 – TOWN BOARD OF THE TOWN OF KNOX URGES THE LEGISLATURE TO HOLD PUBLIC HEARINGS ON THE SAFE ACT TO ALLOW FOR PUBLIC COMMENT AND CONSIDERATION

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

WHEREAS, on January 15, 2013, the Governor of the State of New York signed the New York Secure Ammunition and Firearms Enforcement Act (Safe Act) into law, just one day after it was first introduced in the Legislature; and

WHEREAS, The Town Board of the Town of Knox seeks and considers public input as a standard process essential to the purpose of a democratic society; and

WHEREAS, The Town Board of the Town of Knox believes that the Statement of Necessity allowing the precipitous passage of the Safe Act cut off debate and full consideration of the act and its attendant consequences;

NOW, THEEFORE, BE IT RESOLVED, AS FOLLOWS:

The Town Board of the Town of Knox urges the Legislature to hold public hearings on the Safe Act to allow for public comment and consideration; and

The Town Board of the Town of Knox directs the Knox Town Clerk to send copies of this resolution to the Office of the Governor of the State of New York, the Office of the Speaker of the New York State Assembly, The Office of the Temporary President of the New York State Senate, The Office of the Senator of the 46th Senate District and the Office of the Assemblyman of the 111th Assembly District.

Robert Altieri asked how the town board could pass a resolution without a public hearing.

Robert Price asked for a reason why the town can not hold a public hearing on this issue.

Town Attorney Dorfman stated he cannot tell the town board to go ahead with a public hearing. He has a responsibility to advise the board, he cannot tell the board to pass a resolution advising the state that the SAFE ACT is unconstitutional.

Tom Cavanaugh stated a full repeal is not unconstitutional.

Pamela Fenoff suggested using other language other than unconstitutional, this resolution that you passed does nothing for the people in this town. We don't want it reviewed, we want it repealed.

County Legislature Travis Stevens suggested holding a public forum and invite the state representatives here for discussion.

John Elberfeld stated that not everyone wants it repealed.

Tracy Salisbury applauds the board, but you are the elected officials, elected by us, and this resolution was passed just like the SAFE ACT was. She works in the health care field and part of the SAFE ACT is to disclose medical information regarding patients, not right it doing that. The guns in our family that have been handed down from generation to generation, now those are illegal. Everything starts at the bottom, and that is why we came to you this evening.

Pamela Fenoff asked how the board could pass a resolution, when you have one person in favor of the SAFE ACT and a room full against it. This resolution that the board just passed has zero effect, can't the board change the wording to support the residents.

Audience members asked the board to change the wording on the resolution and add other language to it. If the board knew that this discussion was going to take place, why didn't the board members find out what other towns are doing?

Robert Altieri stated that the board has heard the views of the residents here tonight; he would like to know their personal opinions.

Councilwoman Pokorny stated that municipal boards do not pass resolutions regarding abortion, car licenses or gay marriage. Personally she is in favor of gun control but as an elected official she has heard the views from the crowd this evening and feels the resolution passed this evening will be effective.

Councilman Viscio stated his opinion was not relevant and he voted on the resolution based on the town attorney's recommendations.

RESOLUTION #45 – TOWN BOARD DENY TAX EXEMPTION REQUEST FOR PROPERTIES OWNED IN KNOX BY THE VILLAGE OF ALTAMONT

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

resolution was ADOPTED AYES 5 NAYS 0

WHEREAS, the Town of Knox has received a written request from the Village of Altamont to grant tax exemption from Knox Town taxes to certain properties owned by the Village of Altamont in the Town of Knox outside the incorporated Village of Altamont;

WHEREAS, The Town of Knox has considered the request form the Village of Altamont;

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Town of Knox does hereby adopt this resolution denying the request of the Village of Altamont to exempt certain properties In the Town of Knox outside of the Village of Altamont which said properties are used by the Village of Altamont for water supply purposes.

Town Attorney Dorfman reported that the Village of Altamont requested notification, and notification was given today in person.

Last month discussed lowering the speed limit on Old Stage Road, a resolution needed for a petition to the State Department of Transportation. Supervisor Hammond announced that Crow Hill should be added to the formal resolution.

RESOLUTION #46 – REQUEST LOWER SPEED LIMIT ON OLD STAGE ROAD AND CROW HILL ROAD

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

RESOLVED to send petition to NYS Department of Transportation requesting a speed limit reduction on Old Stage Road and Crow Hill Road.

RESOLUTION #47 – STANDARD WORK DAY AND REPORTING FOR NEW YORK STATE AND LOCAL EMPLOYEE’ RETIREMENT SYSTEM

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

BE IT RESOLVED, that the Town of Knox hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to New York State and Local Employee’s Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

| Title | Name | Standard Work Day (hrs/day) | Term begins/ends | Participates in Employer’s Time Keeping System (Y/N) | Days/Month (based on Record of Activity) |
|--------------------------|-------------|-----------------------------|------------------|--|--|
| Elected Officials | | | | | |
| Town Justice | Jean Gagnon | 6 | 1/2010-12/2013 | N | 3.58 |

| | | | | | |
|----------------------------|----------------|---|----------------|---|-------|
| Highway Superintendent | Gary Salisbury | 8 | 1/2012-12/2013 | N | 22.55 |
| Town Clerk | Kimberly Swain | 6 | 1/2012-12/2013 | N | 5.83 |
| Appointed Officials | | | | | |
| Building Inspector | Robert Delaney | 6 | 1/2013-12/2013 | N | 26.6 |
| Asst. Building Inspector | Daniel Sherman | 6 | 1/2013-12/2013 | N | |
| Court Officer | John McGivern | 6 | 1/2013-12/2013 | N | 4.5 |
| Court Clerk | Deborah Liddle | 6 | 1/2013-12/2013 | Y | |
| Transfer Station Attendant | David Quay | 6 | 1/2013-12/2013 | Y | |

RESOLUTION #48 – AUTHORIZE EXPENDITURE OF \$150.00 TO OFFSET THE COST FOR THE MEMORIAL DAY PARADE

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

RESOLVED to authorize the expenditure of \$150.00 for the Memorial Day Parade, organized by the Helderberg Kiwanis; Berne and Westerlo also contribute.

Supervisor Hammond received a letter from CDPHP, as of June 1, 2013 an increase of eight percent for health insurance premiums.

Supervisor Hammond, Town Attorney Dorfman and the United States Postal Office have been in contact regarding the re-opening of the Knox Post Office. The building that the Post Office was renting, an offer has been made on for the purchase of that property. No definite answer as to when and if the post office will reopen.

Councilwoman Pokorny prepared a draft visioning survey for the review of the comprehensive plan. Three basic questions listed on this survey, would like to hold public discussions during this process. Establish an end date for the return of the surveys. Thomas Wolfe would like to sit on the committee for review of the comprehensive plan.

No comments or concerns addressed to the board regarding the public hearing on lowering the weight limit on Dutch Settlement Road.

RESOLUTION #49 – CLOSE PUBLIC HEARING ON LOWERING WEIGHT LIMIT ON DUTCH SETTLEMENT ROAD

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

RESOLVED to close public hearing.

RESOLUTION #50 – PUBLIC HEARING HAVING BEEN DULY HAD, ON PROPER NOTICE, IS HEREBY RESOLVED THAT THE NEW MAXIMUM VEHICLE WEIGHT

LIMIT TRAVELING ON DUTCH SETTLEMENT ROAD, A TOWN ROAD, SHALL BE NO GREATER THAT 4 TON, GROSS VEHICLE WEIGHT

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

RESOLVED that the new maximum vehicle weight limit on Dutch Settlement Road be no greater than 4 ton.

Town Clerk Swain reported an e-mail she received from Kevin Toomey, President of the BKW Little League. The little league would like to start the field renovation on April 13. The dirt will be delivered on Thursday, April 11. Board discussed the weather forecast for the up coming week and decided that the little league would need to hold off for a week and let the field dry up.

Councilman Barber reported in the year 2022, the Town of Knox will celebrate its bicentennial, and the board should think about setting funds aside for the event.

Tax Collector, Diane Champion addressed the board regarding the annual training seminar for tax receivers and collectors. The seminar is three days at the Albany Marriott Hotel, cost of \$310.00. This year she will commute to the seminar.

RESOLUTION #51 – AUTHORIZE TAX COLLECTOR TO ATTEND THREE DAY SEMINAR AT THE COST OF \$310.00 AT THE ALBANY MARRIOTT

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

RESOLVED to authorize Diane Champion, Tax Collector to attend the New York State Association of Tax Receivers & Collectors training seminar in June 2013.

Highway Superintendent Salisbury reported Highway School is June 3 – 5, 2013 at the Ithaca College. Early registration is \$100.00, if paid after May 20 the fee increases to \$135.00.

Highway Superintendent Salisbury has not received a copy of budget thus far this year; asked Supervisor Hammond if he could get a copy every month.

RESOLUTION #52 - APPROVAL OF MINUTES

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

RESOLVED that the minutes of the March 2013 meeting be approved.

RESOLUTION #53 - APPROVAL OF MONTHLY REPORTS

On motion of Councilman Barber, seconded by Councilwoman Pokorny, 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 March be approved.

RESOLUTION #54 - PAYMENT OF BILLS

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

RESOLVED that the Bills be paid on General Abstract #04 of the General Fund, covering claims #74-87 & 89 and of the Highway Fund, covering claims #59-73 & 88 for the year 2013.

With no further business, on a motion of Councilman Barber, seconded by Councilwoman Pokorny, the meeting was adjourned at 9:37p.m. Carried unanimously.

Respectfully Submitted,
April 23, 2013

Kimberly D. Swain