

TOWN OF KIRKWOOD WORK SESSION

February 23, 2016

Present: Supervisor Gordon Kniffen
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilman William Diffendorf, Jr.

Absent: Councilwoman Linda Yonchuk

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
John Finch Jr., Chief Water Treatment Plant Operator
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman

1. Discussion – Upper Court Street with DOT. (GEK)

Supervisor Kniffen reminded everyone that this has been going on since after the 2006 flood with the hopes of deterring or eliminating flooding of the Stratmill Creek where it flows down to Upper Court Street. Although the thought was that DOT was going to fund this the Town was informed this is not the case. Jack Williams, DOT Director, said they wanted to meet to discuss the design, which they were doing, as well as ideas for funding.

In regard to Corporate Drive, Supervisor Kniffen said our state representative was petitioned to have DOT take over the 1150 feet. Assemblyman Crouch was sponsoring that bill but according to state law they would have to do a swap. If the state took over that section of the road Kirkwood would have to take something from the state and there is nothing to take. Originally it looked like the Town would have to pay 10% to 12% of the cost for a one time only repair, but DOT will pay 100%, which would extend the life of that section of the road for 10 to 20 years. It was noted that currently the Town plows the road but the state puts salt down since they are going over the road on their route.

2. Discussion – Town Fair Contribution to the Town. (RJC)

Supervisor Kniffen explained that the town fair committee wants to donate \$4,000 to the Town. The Board asked Ray Coolbaugh for recommendations, noting that it ultimately would be their decision. Ray recommended a 16-channel camera monitoring system for \$2,487 and to spend the rest of the money to repair the tent. Councilman Grubham said he feels the Town should use the money doing some repair work in the area of the veterans memorial, using a professional landscaper to reset the stonework and clean it all up. He also noted the base of pavilion #3 is all broken up, has holes and needs to be redone. He feels this might be a better option for use of the money and it might be something the fair committee would like as well. He does understand that Tim Finch takes good care of the park and would like cameras due to occasional damage from kids, but in his opinion they need to spend the money on the other things first. He noted there is more of a concern with

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people dumping garbage in other areas of the town and if they were going to buy cameras he feels that would be a better use for them. Since the money is being donated, Councilman Diffendorf said he feels the money should be put into something they can see. He feels they would like it used for things that are visual. Councilman Weingartner agreed.

3. Discussion – The Town opting out of real property tax exemption for the development of commercial and industrial properties under Real Property Tax Law sec. 485-b. (ONB)

Mr. Blaise explained that Dan Giblin found some exemptions that had been granted to several properties under the Real Property Tax Law sec. 485-d, which is a tax break for commercial or industrial development. These were 10-year tax breaks that would decline each year and at the end of 10 years would be done with. Dan said that if Mr. Blaise agreed he would send the property owners a letter notifying them that their taxes would be full value on the next roll. In regard to the 485-b, the way it is written, it is a similar type of tax break in place for commercial or industrial development that the property owners have to apply for and if they apply for it they get it unless the town affirmatively opts out. The way that is done is the Town says it is reducing the tax break to a 0% break, which effectively says they are not granting it. According to Dan there has never been a 485-b granted but that doesn't mean someone couldn't come and ask for it. Mr. Blaise said that every other municipality that Kirkwood is involved with, including the school districts and county, have done that. Many of the other towns in the county have done this as well. From his perspective, he would like to see the Board pass this local law dropping the exemption to 0% to be in conformance with everyone else. Resolution to schedule public hearing for March 29, 2016.

4. Discussion – Request from Jean Smith to attend the 2016 Regional User Group Conference sponsored by Edmunds & Associates, to be held in New Windsor, NY on April 28, 2016, with all reasonable expenses paid. Supervisor Kniffen explained this would be a one-day free conference with only the expense being mileage and meals. Resolution.

5. Discussion – Policy for Advertising Positions of Employment with the Town of Kirkwood. (ONB)

Supervisor Kniffen explained the Board wants to adopt a written policy for advertising positions of employment. He asked Mr. Blaise to see if they could include in the policy that if any applicant is a Kirkwood resident with a resume equal to a non-resident if they could award the job to the Kirkwood resident. Mr. Blaise prepared a draft policy for Board approval, including the second paragraph which states "Interviews of candidates for employment with the town must be conducted by the department head of the open position and two members of the Town Board". His research showed that the Board can award the

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job to a Kirkwood resident where qualifications are the same, subject to the Civil Service Law. If civil service positions are involved, the Town cannot trump what the requirements are for those positions. Residency would only be a limited preference, it cannot be the all-controlling thing, but basically a tie-breaker type thing. It was noted there are only a handful of civil service jobs involved, such as Dog Control Officer, Code Enforcement Officer, Recreation Supervisor and Water Treatment Plant Operator. Councilman Diffendorf noted that for years court clerks had to reside in Kirkwood but the Board had the law changed so he feels it definitely should state that in the case of a tie the Kirkwood resident would be awarded the job. Mr. Blaise said there were residency restrictions on other positions in the past but over time those restrictions were changed. Resolution.

6. Discussion – Temporary Signs. (GMD)

Town Clerk Gayle Diffendorf explained that after talking with Code Enforcement Officer, Chad Moran, they agreed that basically the \$25 deposit for political signs serves no purpose since it's only intent was to ensure that signs were removed and it does not seem to have any affect as to whether the signs are removed or not. The request is to remove the \$25 deposit requirement and charge only a permit fee. The Code Enforcement Officer has to canvas the Town anyway to see if the signs have been removed so there is not much more effort involved if he has to remove signs. It was also noted that because the process is currently not timely, by the time the signs are removed and the reimbursement checks are issued, the candidates have closed their political accounts and many times the checks are not cashed leaving numerous checks in the Town Clerk's account that have not cleared. It's very involved trying to get this taken care of and many times with no resolution. It was determined the \$25 deposit requirement would be eliminated and the permit fee would be increased from \$25 to \$35 with the signs to be removed 2 weeks after the general election. Mr. Blaise said although a public hearing will be required to make the change, because it involves the Zoning Local Law, a 239 zoning change would be needed and there is a post adoption publication required as well. Mr. Blaise will meet with the Town Clerk and Code Officer in this regard.

7. Discussion – Coughlin & Gerhart taking over handling of litigation matters outside the retainer previously assigned to Herb Kline regarding Club Wise Finance Tax Assessment, Inland Paperboard Corporate Tax Assessment, MECAS, LLC Tax Assessment, Southern Tier Communities, LLC Tax Assessment, and Wisner Baker, LLC Tax Assessment. (ONB)

Mr. Blaise reported that he met with Mr. Kline to review his files and there are many tax assessment cases that are open that Mr. Kline was working on. These are all outside retainer matters because they are in Supreme Court and the retainers are with Mr. Kline handling them. Mr. Blaise said he has already handled one of the cases but the rest are still open and

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they need to be switched over to retainers with Coughlin & Gerhart. This will not have any impact budget-wise and will only be a formal appointment. Resolutions.

8. Discussion – Windsor Water. (GEK)

Supervisor Kniffen reviewed that Windsor already has public sewer, is looking to add public water and in order to do that they would need to purchase water from Kirkwood. During a discussion at the last meeting the Board seemed to be in favor of that. Apparently Windsor did a study on this and they are looking at taking it up Haskins Road and cross that way. When Kirkwood's public works looked at it, they said it might be better to go father down this way and then pick up some Kirkwood residents on Foley Road and also the school. At this point Windsor is not aware of the second option that Kirkwood has come up with. A meeting will be set up with Windsor. Currently the Town's ordinance reads that Windsor would be an outside user and charged 1 ½ times the rate. The Board has to consider if that is what they wish to do in this situation. He said he feels if this goes through and industry is developed in that area it would benefit not only the Windsor community but Kirkwood and most likely a lot of Broome County. Thought should be given to not charging them at 1 ½ times the rate. Councilman Grubham said in his opinion there is also property around the exit in Kirkwood that could be developed commercially and industrially and they might need to use Windsor's sewage plant. There is a fair amount of reasonably flat area around Foley Road going towards the Industrial Park off Corporate Drive, plus there are areas coming over the top of the hill that could be used too. Councilman Grubham said he has been looking at this quite a lot since they are currently involved in Comprehensive Planning. So the question would be if Kirkwood does give consideration on the rate would Windsor then be willing to accept additional sewage from Kirkwood at a rate that is reasonable. Supervisor Kniffen said they might be looking for new customers to help pay the operating expenses. Councilman Grubham said there are areas there that could be developed, especially with the intersection there on the 4-lane highway and easy to get on and off, so it might be a desirable location for some businesses. Councilman Diffendorf said they need to do a lot of thinking about this. He questioned John Finch as to what the cost of the pump would be, noting that he assumes Windsor is paying for it. He said if the line is Kirkwood's all the way to the Windsor town line and they have to replace the pump he wants to know how much it would cost. John said it would depend on the size of the motor but to replace the pump at the booster station the cost would probably be about \$20,000 to \$30,000. Councilman Diffendorf said he feels Kirkwood should own and control the line but Windsor should be involved in any maintenance of any pumping station since it would be their problem because they need the water supply. That way if someone wants to run another line off of it Kirkwood does not have to deal with anyone else. John Finch said elevations would have to be looked into as well and explained additional options. It was noted they are talking about the property of the old Jungle Club for the pump station. Councilman Grubham said they will have to sit down and analyze this pretty good and determine what the best way to do this is cost wise. Mr. Blaise said there are 2 issues; infrastructure, who is going to install it and who is going to maintain it, and what rates will be charged to each

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other for residents that will be using the other municipality's service, being water or sewer. The committee will meet internally prior to meeting with Windsor.

9. Audit of Claims.

Resolution.

9a. Comprehensive Plan.

Supervisor Kniffen noted there is a public meeting at Bell School at 7:00 PM on Thursday, February 25th. Although the mailing from the County did say 7:00 PM the public notice read 6:00 PM. A notice will be posted at the school with the correct time. It was noted that a draft of the proposed Comprehensive Plan is on the Town's website.

9b. Boat Launch.

Supervisor Kniffen said installation of the boat launch is in progress. A meeting was held at the site including area residents. DEC is going to fix the road as well. It is going to be a first class boat launch. Councilman Grubham said there are possible property maintenance issues with properties near the launch site, which is a concern. Supervisor Kniffen will have Code look into this.

9c. Ritter Property.

Supervisor Kniffen said they are beginning to clean up the Ritter property. Although it is not close to what the Town wants, they are talking with the Town and doing some things. There is more improvement to come.

10. Executive Session.

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph h of the Public Officers Law regarding the proposed acquisition of real property when the publicity would substantially affect the value thereof. Councilman Grubham seconded. All voted in favor.

MOTION CARRIED.