

TOWN OF KIRKWOOD  
TOWN BOARD MEETING

December 6, 2016

A regular meeting of the Kirkwood Town Board was held on December 6, 2016 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

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

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

November 1, 2016 Public Hearing,  
November 1, 2016 Town Board Meeting  
(2) November 29, 2016 Public Hearings

Supervisor Kniffen announced that an Open House to wish Judge Benjamin Weingartner well in his retirement will be held Friday, December 9<sup>th</sup> from 3PM to 6PM at the Town Hall. Light refreshments will be served.

Supervisor Kniffen reported that the 2<sup>nd</sup> annual Kirkwood Hometown Christmas that was held on December 3<sup>rd</sup> was again a huge success, with even more people attending this year.

**PUBLIC PARTICIPATION:**

Carl Marsinko of 1133 Rt. 11 addressed the Board in regard to a concern he has with an easement that crosses the middle of his back yard that carries water from Kirkwood Ave., Golden Street and Sommers St. and is piped under Kirkwood Ave. Since 1979 he has cleaned wheel barrel loads of sand and stone off his lawn after heavy rains. A small ditch of about a foot wide and 6 inches deep has grown to over 3 feet wide and 1 ½ feet deep. Early on he was told the Town couldn't put a pipe in but they could excavate it, which they did on the upper part but that did not stop the erosion. Over the years he has lined the ditch with stone and concrete to stop the erosion. This has become a safety concern at the lower end of his property. A solution was agreed upon to fill in with stone that would not wash away. Now weather is a factor in moving equipment across the lawn but it still needs to be done.

Regarding another concern, Carl said when the sewage pumping station was put in they asked the Town to plant trees to block their view and that has worked but as the trees get older he is thinking they will have to be cut down and asked if that is the case that they be replaced with a natural barrier, but not a fence because they feel it would affect the value of their property. Supervisor Kniffen said he thinks the trees have several years of life left in them and they are now aware of the request.

In regard to the easement issue, Supervisor Kniffen said that has been going on for many years and has been discussed with the Board members and the Department of Public Works. John Finch said he currently has no knowledge of the situation but he will discuss it with Ray Coolbaugh and get back to Carl. In response to Councilman Diffendorf, Carl said when the existing pipe was replaced under Kirkwood Ave. Ray Coolbaugh said he would replace what he had put in with stone, noting that it is an awful drop-off. Carl said the old pipe caused a lot of erosion. He added that the easement was there when they purchased the property.

**COMMUNICATIONS:** None.

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**COMMITTEE REPORTS:**

Marchie Diffendorf reported a solar committee meeting will held on December 7<sup>th</sup> at 3:00 PM at Town Hall, adding it is a slow process. Mr. Blaise is on the solar committees for both Kirkwood and Dickinson and noted he is passing information back and forth for points of comparison. He said there are significant differences in the towns, in how they are laid out and zoned.

**OLD BUSINESS:**

**Assessor.**

Supervisor Kniffen reported that after advertising and conducting interviews they chose an Assessor that currently works for the City of Binghamton with two assistants. They negotiated with the City and an Inter-municipal Agreement between Kirkwood and the City of Binghamton is now being reviewed by Mr. Blaise. The previous Kirkwood Assessor worked 15 hours a week and to start the new Assessor will work 8 to 10 hours a week. Although this will formally become effective January 1, 2017, the new Assessor will be in Kirkwood Wednesday, December 7<sup>th</sup> from 8AM to 12Noon, and additional hours for the rest of the month will be worked out. He will not be an employee of the Town. The agreement will be with the City and Kirkwood will pay them a fee for the service. There will be no benefits paid. It has already been determined that Grievance Day will be covered for both municipalities. Mr. Blaise added that the agreement is a standard one that exists between various municipalities for various positions around the County. There are no major changes needed. It will be stated in the agreement more clearly that when the Assessor is in Kirkwood for a minimum number of hours a week, if he needs to he can do City work, and he can do Kirkwood work while in the City. Once the minor changes are made to the agreement the Town Board and City Council can consider adopting it. Councilman Diffendorf added that this man approached the Town for the job, the City did not approach them. He thinks this is a good deal for everyone involved, noting that he is very qualified. Supervisor Kniffen thanked the committee of Councilmen Weingartner and Diffendorf and Councilwoman Yonchuk for their work on this. Councilwoman Yonchuk said the agreement is extremely beneficial financially to the Town. Supervisor Kniffen added both the Town and City are saving money, which is a good deal. Also, in regard to consolidating services, this is a good example of the little Town of Kirkwood and the big City of Binghamton coming together on this. The taxpayers in both municipalities benefit from it.

**Well Generator Protection.**

Supervisor Kniffen explained they have been discussing for years whether or not they should protect the well generator from floods. John Finch said it has not been added to the budget. If they decide to do it the Engineer would have to design it. He noted that it would be quite involved and they were hoping to get some funding for it but that isn't going to happen. Supervisor Kniffen said they would need an estimate and also look at the risk. John Finch will contact John Mastronardi in regard to this project.

**City of Binghamton Water Connection.**

Supervisor Kniffen explained that many years ago Kirkwood purchased water from the City before wells were drilled. The pump station is still there but it hasn't been used for years and they are looking into whether or not to bring it up to date. Estimates are approximately \$55,000 for 2 pumps and \$6,800 for electrical work. It was brought to his attention that when the pump station was put in back in the 1960's, even though Kirkwood was purchasing water, they were charged a fee. It is not clear what that is. Due to changes in accounting programs years ago they can only go back to 2010 to determine Kirkwood was paying the City \$53.50 each year and it is now up to \$147.00. It has to still be determined what it would take on the City's part to move forward with this process and also what the cost would be to purchase water in an emergency. Due to an email glitch, the City's Commissioner of Public Works is just starting to work on this.

**CHIPS MOU.**

Supervisor Kniffen said there is supposed to be an MOU (Memorandum of Understanding), because up to now it has been year to year as to whether Kirkwood would be getting CHIPS money or how much and the information is not available before the budget is adopted. John Finch said no information has been received yet but he will look into it. It was noted the CHIPS program has been in effect for a long time.

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Councilman Grubham questioned when the Highway Agreement will be received regarding which roads will be scheduled to be done in 2017. Supervisor Kniffen said it is due before the first of the year. John Finch will take care of that.

**New Town Justice Salary.**

Supervisor Kniffen explained Judge Weingartner is retiring and Jeffrey Hawkes will be taking office January 1, 2017. There are two justices and currently they get the same salary. It was put in the 2017 budget that they would both get the same salary with the note that it would depend on the background of the new judge. He said Jeff is a law clerk with Judge Cawley and he is a lawyer. Councilman Weingartner said it is an elected position and when he came on the Board he had zero experience and he received the same amount as the existing Board members and he feels it should be the same way with this position. He will not be doing a job that he is not qualified to do or become qualified to do and should receive the same salary.

**Cable.**

Supervisor Kniffen explained that Time Warner, which was recently bought out by Charter and will be known as Spectrum, services Kirkwood. The agreement with Time Warner was to be renewed in 2012 and although Mr. Kline worked on that before he retired and by the fact that ownership changed, it did not get renewed. There are a lot of side roads in Kirkwood that do not have cable service. Currently the criteria is they need 20 homes per mile to offer the service and most of the roads don't have that many. They now want to get a new agreement in place with Charter, and putting aside the roads that don't have service, there are other things they want to put in there. About two years ago the Governor set aside \$550 million for broadband expansion, which includes cable service. When Charter took over Time Warner, part of the deal was they would have to add 145,000 homes in New York State that currently do not have service. Hopefully the roads in Kirkwood would be part of that and possibly they will consider changes to the 20 homes per mile. Supervisor Kniffen sent a message to the broadband program office questioning if there is a possibility these homes in Kirkwood will be included and what the timeline is. He added that the specific roads in Kirkwood have been identified in the agreement. He noted they can proceed with the other part of the agreement. Councilman Diffendorf added that Time Warner was up on Gorman Road looking at the line. He noted that on the back roads the power lines do not run down the road but through the woods. Councilman Weingartner noted that the power lines in the Johnson Road area were cleared within the past 6 to 8 months, as were other areas of the Town.

**Rogers Mountain Way.**

Supervisor Kniffen reviewed that they began discussing this back in the fall of 2015. Although this is located mostly in the Town of Dickinson, part of it is in Kirkwood. There are 2 railroad crossings involved to get to Rogers Mountain Way. For quite a few years the trains would block the crossings preventing both ingress and egress which caused emergency concerns for ambulances, fire trucks, etc. Although Senator Schumer contacted the railroad he was not able to accomplish anything. So Dickinson considered putting in a new road which would take them along the railroad until the underpass so they could get in and out, at a cost of \$200,000. The railroad changed hands from Canadian Pacific to Norfolk Southern and Kirkwood got involved and showed them the crossing site, questioning them as to their responsibility to help out with the road, but they responded that if they have to stop there, they have to stop. Dickinson decided to proceed with the construction of the road and asked Kirkwood if they wanted to participate, and the Board discussed it at length. He said a concern was that people built there knowing the problem existed and also could they possibly be successful in getting the railroad to do something. The railroad has stopped getting back to Supervisor Kniffen so it is obvious they will be doing nothing. He said he personally felt some commitment to do something, although not \$100,000, but possibly a ratio of Kirkwood homes versus Dickinson homes. Dickinson bonded for this project without any input from Kirkwood and they would have liked to be part of the whole process, which was a disappointment. The road is now completed. He is now bringing this back for discussion. Councilmen Diffendorf, Grubham and Weingartner and Councilwoman Yonchuk said they don't wish to do anything in this regard.

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**Updated Vehicle Quote for Water Department.**

John Finch explained that at the last work session they discussed the purchase of a truck for the Water Department. Since then he removed the request to purchase a plow and spreader for that vehicle because he was unaware that a spreader was ordered for one of the vehicles in the Water Department. They had budgeted \$36,875 and now the purchase price would be \$29,600, which is a savings of \$7,275. He noted they were going to be short \$7,300 for the cost to repair the motor and pump for Well 3, which will be addressed later in this meeting, so the savings on the truck purchase for the Water Department can be applied to those repairs. They are both budgeted items so no reserve fund money will be needed for the repairs. He asked the Board for a resolution to approve the purchase of the truck for the Water Department. After talking with John about this after the work session, Councilman Grubham said since the truck purchase is cheaper it should work out now.

156-16  
2017 Fire  
Contracts

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, authorizing Supervisor to execute Fire Protection Contracts for 2017. Councilman Diffendorf seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

157-16  
Adopt EAF  
LL#7 Amend  
Water Rates  
Ord.

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 7-2016 entitled "A Local Law Amending the 'Water Rates' Ordinance of the Town of Kirkwood", in accordance with the attached Short EAF. Councilman Grubham seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

158-16  
Adopt LL#7  
Amend Water  
Rates Ord.

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting Local Law No. 7-2016 entitled "A Local Law Amending the 'Water Rates' Ordinance of the Town of Kirkwood", in accordance with the attached resolution. Councilman Weingartner seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

159-16  
Purchase  
2 Yd Bucket

Councilman Weingartner moved to adopt resolution authorizing the purchase of a 2 Yard GP Bucket from Five Star Equipment at a cost of \$5,893. Councilwoman Yonchuk seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

160-16  
Purchase  
2017 Chevy  
Truck – Hwy  
Dept

Councilwoman Yonchuk moved to adopt resolution authorizing the purchase of a 2017 Chevrolet Silverado 2500HD WT Double Cab 4WS Standard Box from Van Bortel Chevrolet at a cost of \$37,126.81. Councilman Diffendorf seconded.

**Discussion:** Councilman Grubham questioned where they stand on the plow for this truck. John Finch said he received prices for 4 different plows and this includes \$5,565 for the Western stainless steel plow. He originally put on the bid for a Fisher stainless steel because he was told by the manufacturer that the Western was \$1,000 more but it is actually cheaper than the Fisher. He switched it to the Western because they have all Western plows at the garage and the pumps are interchangeable. This is a v-plow. John said he feels they should

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order stainless steel over steel because it will hold up a lot better. He said they don't have any in their fleet right now but he would like to at least try it on this plow. He said they hold their value and the powder coat on the steel plows doesn't last. It scrapes off, rusts and starts pitting. The steel plows have to be primed and painted almost every year. Councilman Grubham said he is willing to try this with a little hesitation, noting he has had a steel plow on his truck for 15 years and it works very well. Councilman Grubham said he would like John to find out what these vehicles will be worth 2 years from now. He noted that since they are getting these trucks for much less than private individuals would have to pay for them he believes that in 2 years they could sell them for more than they paid for them.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the repair of the Well 3 motor at a cost of \$5,350 and the repair of the Well 3 Spare Pump at a cost of \$16,950 with the work being done by W2 Operating Training Group, LLC. Councilman Grubham seconded.

161-16  
Repair  
Well 3 Pump  
& Motor

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Grubham moved to adopt resolution amending the Policy on the Use of Town of Kirkwood Credit Cards and Credit Accounts for Personal Use by Town of Kirkwood Officials and Employees. Councilman Weingartner seconded.

162-16  
Amend  
Credit  
Card Use  
Policy

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution ratifying a resolution, after a Public Hearing, adopting the 2017 Water & Sewer Benefit Unit Assessment Roll, as revised, and the 2017 Water and Sewer Budget. Councilwoman Yonchuk seconded.

163-16  
Ratify  
Adopt  
2017 W&S  
Benefit  
Unit Roll  
and  
Budget

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing the purchase of a 2017 Chevrolet Silverado 2500HD Regular Cab 4WD Long Box from Van Bortel Chevrolet at a cost of \$29,600.07. Councilman Diffendorf seconded.

164-16  
Purchase  
2017 Chevy  
Truck – W&S  
Dept

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

**Discussion:** In response to Councilman Grubham, John Finch said the truck he is currently driving will go to the Highway Department. He will look into putting a plow on it, possibly one they have on hand or purchase a used one. Councilman Grubham questioned how this works between the Water and Highway Departments when a truck is transferred. Mr. Blaise said Jim Smith, Budget Officer, will make the adjustment. It was noted this was done recently when a truck from the Water Department was transferred to the Parks Department.

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**NEW BUSINESS:**

165-16  
Transfer  
Funds  
Councilman Diffendorf moved to adopt resolution authorizing the Transfer of Funds, in accordance with the attached Budget Adjustment Sheet. Councilman Grubham seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

**OTHER:**

**Sewer Lines – Camera Inspections**

Councilman Grubham questioned if they had used the camera on Howard Street. John Finch said his plan was to bring this to the Board at the beginning of the year. He explained that the line from Howard to Daisy Lane is in disrepair. There are numerous spots with collapses and cracks and he checked to see if it could be lined, but it can't be lined because there are 3 services coming into it. It will have to be dug up. A rough estimate would be about \$25,000 to do the work. He said they were scheduling to camera about 1 ½ miles this year but he did that street first because they were having issues there before. They did North Sunset and Howard down to the intersection and stopped after that. Supervisor Kniffen said what happened was the cost to keep going versus the cost to stop and repair it. So they would not have an added expenditure they decided to stop there and repair it and continue on next year. John said the whole length of Hillside was replaced not too long ago. John said after they fix Howard Street in 2017, the following year they will finish the area to make sure there are no issues. If they are still giving them, John said they should get some points from DEC in regard to the CMOM program for fixing the infiltration on Howard Street.

**AUDIT AND PAYMENT OF CLAIMS:**

166-16  
Audit/Pay  
Councilman Grubham moved to adopt resolution authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts (Fire, Light, Water and Sewer Districts), Professional Services, Capital Projects and Reserve Funds claims, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 5, 2016, all in accordance with the abstract of claims on file in the Town Clerk's Office.

Councilman Weingartner seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

**ADJOURNMENT:**

Councilman Weingartner moved to adopt resolution to adjourn the meeting. Councilwoman Yonchuk seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 6:54 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk