

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

February 6, 2018

A regular meeting of the Kirkwood Town Board was held on February 6, 2018 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 A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

January 2, 2018 Organizational Town Board Meeting

PUBLIC PARTICIPATION:

Mr. Blaise responded to a clarification request from Roy Tondeur of Kirkwood Avenue in regard to item #6 on the January 30, 2018 work session agenda dealing with the Oakley and Ritter properties. Mr. Blaise explained that in the past there was a discussion about if the Town brought someone to court for a code violation and the charge was proven part of the penalty imposed would be reimbursing the Town for what we spent to prosecute that person. He said it was ultimately decided that the Board did not want to do that, that we did not want to build into the code that when we go after people that we can also recoup the Town's costs. Mr. Blaise said what Supervisor Kniffen was bringing up was a discussion about the Oakley and Ritter properties which have significant code issues and how we are going to pursue those properties, but there isn't any mechanism in place. In regard to the Oakley property, if we go to Court and they are fined, there is nothing in the Code that allows any payment to the Town for legal expense.

COMMUNICATIONS:

Resignation Letter from Carra Jones

COMMITTEE REPORTS:

Mr. Blaise provided paperwork to transfer the O'Dea parcel by the NYSEG substation on Route 11 that the O'Dea family wants to donate to the Town, which will require Supervisor Kniffen's signature. In regard to the ingress/egress issue, Mr. Blaise said we are going to leave it where it is. The road skirts along the southern edge of the property by the barn and cuts west back towards the pond and the Town has the right to widen that or develop it as we so choose. If in the future the O'Deas want to do something with the parcel which includes that ingress/egress point where it is now, we've drawn in that we can move our easement and have drawn that on the map; basically it cuts around the pond. If they want to sell it and someone wants to develop it, the easement would be right down the middle, and since we didn't want to prevent that from happening we have the right to move the easement down to the other end of the property by the substation and go out through there. Supervisor Kniffen questioned if an option wouldn't be to have them pay to relocate the road. Mr. Blaise noted a concern that the O'Deas would want to do that since they are giving us the property. Councilman Grubham said then it's basically a waste of time to have the easement, we might as well move it now and be done with it. Mr. Blaise noted that it may never happen that we would have to move the road. Councilman Grubham noted that the problem is that at some point we may be told that whatever we put in there has to be taken out of that lot and if we don't have a good way to get in there, and it would cost a lot of money, that wouldn't be good for the town. According to Mr. Blaise, John Finch said it wouldn't be a big deal to put the road in. Mr. Blaise noted that all of this was discussed with the Board in the past and subsequently he and John met with the O'Dea's attorney regarding any issues with the property. Supervisor Kniffen said his thought was that we would find out the final results before we got to the point where he would sign and

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the last he heard there were different options. He said there is a legitimate concern about the way we settled it and they can just take over that road and tell us to find another way to get in there. Councilman Grubham said there really is no reason we would have to go out there unless it would be to remove stuff that we put there. John said his understanding is it was brush that was dumped there but Councilman Grubham said that's not what he was lead to believe and if that's all that's in there he doesn't know why we are doing this. Councilman Diffendorf said it may be mostly wood but there certainly are white goods in there as well. Supervisor Kniffen said after many discussions we decided to take this over even though we don't want it. Mr. Blaise read the exact wording in the paperwork regarding possible relocation of the Town's easement, and depending on one's interpretation, it could be the responsibility of the Town or the O'Deas. In regard to relocating the road, John Finch said he doesn't foresee a reason we would ever have to go back in there unless we were made to, but if we did put in a road it would be gravel and he would put it along the Town's sewer station at a cost of possibly \$5,000 at the most. Supervisor Kniffen said the Highway Superintendent at that time said it was mostly wood that was put in there and we all looked at this site and after asking questions decided to take it over. Councilman Grubham said we will have a property that's about one third of an acre and if we might want to do something with it in the future it might be better for us in the long run if we could have some idea of what is in there and clean it out now. Supervisor Kniffen said we looked at that and decided not to do it because it would be too costly. Councilman Grubham said now that we are talking about moving the road it might change that idea. John Finch said he has no idea what it would cost to clean that out. Mr. Blaise said this might never be an issue, the property may never be sold, or if it is sold it might not be developed. Councilman Diffendorf questioned if there is anything in the agreement that would allow the O'Deas or a new owner to make the Town clean it up if it's not an environmental problem. Mr. Blaise said that would not be an issue and Supervisor Kniffen added that Mr. Kline checked into this with DEC and they had no issues with it. After additional discussion with no resolution, Supervisor Kniffen asked Mr. Blaise to ask the O'Deas if they would relocate the road.

OTHER:

Hailley Delisle explained to the Board how **Nexamp Community Solar** works. They are putting up a solar farm in Newfield in Tompkins County just outside of Ithaca, and this is the answer for anyone who has wanted to go solar but can't put it on their own property for various reasons. Anyone that signs up for the program gets a 10% discount. A New York State program allows solar projects to generate clean, renewable electricity that feeds into the utility grid. Through net metering, the value of that electricity can be shared with participating utility customers. Each month, participants receive credit for their share of the project directly on their utility bill and this offsets 90 cents for every dollar they would have paid to NYSEG; a 10% discount off of any KWH charge on their bill. She provided a sample copy of what a NYSEG customer's bill would look like for people in the program. There is no cost to sign up, there is no penalty to no longer participate in the program and there are no credit checks.

Councilman Weingartner said he looked through the information and he doesn't understand why you don't have to pay for anything but automatically get a credit. Ms. Delisle said if you were to put solar panels on your home you would have the up-front cost of paying for them but that electricity is free since you're getting it from the sun. The payback period is about eight to ten years and once you hit that mark you're getting free electricity, you paid to be connected to the grid. This program is the same principle but there are no up-front costs. The customer would buy up to 1,000 kilowatt hours from Nexamp. If you are interested in signing up you would submit your electricity bill and they would look at the past 12 months to see what you've been using. Ms. Delisle clarified that the customer would be paying Nexamp but their relationship with NYSEG doesn't change. The solar farm is a permanent structure with guaranteed rates for 20 years so there is no increase. In the summer the panels produce more electricity since there is more daylight hours, so a customer would build up credits on their bill in the summer and cash them in during the winter months. This project is set to go live in June so customers will accrue more credits than the electricity they are using. Ms. Delisle did note that if you were to put panels on your home that would generate the most savings but 80% of New Yorkers can't do that, so all the solar power in this program is generated in Newfield. She

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said the reason they are able to do this is because of Governor Cuomo's legislation to make this possible. Ms. Delisle said this is 10% off NYSEG's rate, so over 20 years if the rate goes up or down it's still 10% off, both day and night rates.

Ms. Delisle said this is not only for homeowners but also non-profits and municipal buildings and there is no minimum of how many need to participate from Kirkwood. This farm will take care of between 750 and 1,000 customers. They are going to all the towns and they will accept applications on a first come first served basis. In response to Councilman Diffendorf, Mr. Delisle said it is difficult to get people to sign on because it's new and people don't understand how it works so they are going to all areas in the southern tier in addition to Tompkins County. Since this is a 6 megawatt project and 10 acres of land are required for every 2 megawatts, the size of the parcel is 30 acres. It will depend on the size of the homes/businesses that sign up first as to how many applications they can accept and the sign-up period will close once they receive the amount that can be supported by this project. This is just the first project in this load zone and it certainly won't be their last so they will create a waiting list for those that sign up after this project is closed. The only catch is there will be a bill from Nexamp as well as NYSEG and Ms. Delisle reviewed those. Councilman Diffendorf noted that currently there is a fee for green energy on our NYSEG bills (SBC charge) that everyone pays and Ms. Delisle said that would be at a discounted rate as well for anyone that signs up with the Nexamp program. Mr. Blaise questioned if there is any interplay between CCA (Community Choice Aggregation). Ms. Delisle said that is exactly what this program is, it's a Community Solar Farm; it follows the same principles with the PFC's. Mr. Blaise questioned if a resident in a town that adopted a CCA Local Law and was a part of that program could also apply for this, or are they mutually exclusive. Ms. Delisle will have to check into that. She said there will not be a huge amount of savings but it is supporting local green energy. Councilman Diffendorf questioned if the only reason they can offer this discount is because they are getting subsidized by the State. Ms. Delisle said there are subsidies through NYCERTA and that's how they offer the savings and allows them to bring solar to everyone.

In regard to getting information out to Kirkwood residents, Ms. Delisle said they can send out a post card, through email, by hosting an event, through presentations, Facebook or the Town's website. Councilman Diffendorf questioned if it costs Nexamp about 5 cents to produce a kilowatt. Ms. Delisle said that's a NYSEG figure and she will have to check on the cost for Nexamp. Marchie Diffendorf said Broome County has a solar farm in Conklin and it's been ready to go for a year or more, that they have been negotiating with NYSEG for a rate and have finally come to an agreement. He said Broome County is budgeting zero income for that solar farm. He questioned how Nexamp proposes to make money when this one can't. Ms. Delisle said part of it is from subsidies from NYCERTA and in addition they can't monetize electricity so they can't sell electricity to NYSEG. The only way they are able to monetize electricity is to get it transferred as credits on peoples' bills. Marchie said so your subsidies come from New York State, NYCERTA and the federal government so that's two-thirds of the cost to build this farm. Ms. Delisle said not totally because they did have to put a lot of upgrades into the NYSEG grid so there were costs associated with that. She said they also have investors who will get paid back later. Ms. Delisle said the minimum life of this farm is 20 years.

MEGA (Municipal Electric & Gas Alliance)

In continuing with this theme, Supervisor Kniffen said that Mr. Blaise mentioned that Dickinson and some other towns went with MEGA. He said the County came to us a number of times when the previous County Clerk was there because he was involved with MEGA and they had already gone out for quotes based on volume and wanted us to join. We looked at it and it was hard to figure out what the savings was plus it involved a lot of administration work. John Finch said we get quite a few NYSEG bills and Sue has to process each one through vouchers and his understanding is the bills are separated so it would double that amount because they bill twice a month and the amount of her work would double. He said we get close to 30 NYSEG bills each month and noted we couldn't really see the cost savings. John responded to Mr. Blaise that this would put the Town as an entity into the MEGA program. Mr. Blaise explained that Dickinson is putting it's residents into the program. He said the County was trying to encourage municipalities like

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Kirkwood to put their parks, highway garage and municipal facilities and buildings in and join that consortium which has been up and running for quite some time. Mr. Blaise said what he was referencing is that MEGA is trying to get up an running, possibly by a NYSEG load zone, but there is an area that basically takes up a chunk of the southern tier going out towards Corning where they are trying to get communities to put their residents in. So the whole town opts in for the residential and business users. There are a handful of municipalities in Broome County that have signed on and from what Mr. Blaise recalls from MEGA's presentation, they needed something like 40,000 customers across the region to sign up and once they got that many customers they were going to take that package out to bid to get the lowest competitive pricing possible and bring it back to the towns. So if Dickinson agrees with the rate MEGA comes back with all of the resident households in the town are opted in. There will be an opt-out letter sent to everyone to give them that choice but if they don't respond to opt-out and are not under contract to someone else already, the town is making that choice for the residents. That will be their supply cost for however long the contract is. The program closed in January and Dickinson got in just under the wire and they will now be going out to bid. Councilman Diffendorf questioned if that's legal, to force residents into this program. Mr. Blaise said it's up to the town to decide if they want to accept the bid, they can always say no. If they do accept the bid they have to send opt-out notices to the residents giving them 30 days to opt out. Those that don't opt out are put into the program and continue to be in the program for whatever the duration of the bid cycle. He said Dickinson has already held a couple of informational meetings. He's sure they will be opening up another grouping in the future since the State is really pushing this. He added that MEGA does not produce electricity, they buy it from the lowest bidder and it's based on volume. If the Board becomes interested in this in the future, Mr. Blaise can put the Board in touch with a representative from MEGA. He added that this has been going on for a while at the municipal level, the County pooled with other municipalities in the County and other counties for municipal buildings and grounds, and then the State allowed it to be opened up for residential use.

OLD BUSINESS:

25-18
EAF
LL #1
Amend Parks
Use – Allow
Wine

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 1-2018 entitled "A Local Law Amending the "Parks Use" Local Law of the Town of Kirkwood, in accordance with the attached Short EAF. Councilman Diffendorf seconded.

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

MOTION CARRIED.

26-18
Adopt
LL #1
Amend Parks
Use – Allow
Wine

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 1-2018 entitled "A Local Law Amending the "Parks Use" Local Law of the Town of Kirkwood, in accordance with the attached resolution. Councilman Grubham seconded.

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

MOTION CARRIED.

27-18
Agreement
Strategic
Development
Specialists -
Grants

Councilwoman Yonchuk moved to adopt resolution authorizing the Supervisor to enter into an agreement with Strategic Development Specialists, LLC regarding securing grants at a cost not to exceed \$39,000 for a term of one year. Councilman Diffendorf seconded. **Discussion:** Supervisor Kniffen reviewed this stating that since we are not experts at grant writing we looked at outsourcing it with Strategic Development and the Board has been in the process of reviewing a proposed contact. Mark Streb from Strategic, who gave a presentation and answered questions at the meeting last week, is attending this meeting to answer any additional questions. Councilman Diffendorf questioned if we were to apply

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for a grant if it will be settled by January 1st. Mr. Streb said there are hundreds of grants through the state and most of them go through the Consolidated Funding Application and 95% of the grants in the cycle will be settled by the end of the year. Councilman Diffendorf questioned if it is not done if we would have to pay Strategic for another year. Mr. Streb said if the Board does not think Strategic is doing a good job they can end the contract anytime with a one-month notice. He said in a situation where they write a grant and the announcement is supposed to be in December but it goes to January, depending where they are in the grant, if they don't believe their services are needed anymore for that grant then they will bow out. If it's a situation where the grant was due in November and the announcement does not come until February or March, he said they then might want to revisit that conversation, and question what the Board wants to do. He said in a situation when it's not due until March or June the Town would not have to pay for another full year, there could be a six-month contract. Mr. Streb added that only the first contract must be for a full year, noting that their goal is to be successful so the Board will want to keep them on.

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 for Advertising Positions of Employment with the Town of Kirkwood, in accordance with the attached policy. Councilman Weingartner seconded.

Discussion: Supervisor Kniffen noted that Councilman Weingartner came up with a good suggestion that we put a tab on our website for employment opportunities so we will do that. In response to Councilman Diffendorf, Supervisor Kniffen said if we choose to, we can still run an ad in the Press for an Assessor or any other position.

28-18
Amend
Policy for
Advertising
Employment

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 amending the Town of Kirkwood Benefit Plan regarding Medicare Recipients Reimbursement Pool (MRRP) and continuing the \$2400 benefit to the spouse of a deceased retiree, effective of February 7, 2018, in accordance with the attached plan. Councilwoman Yonchuk seconded.

29-18
Amend
Benefit Plan

Discussion: Councilwoman Yonchuk said we have two spouses in this situation right now that have to be considered. In determining the effective date, Supervisor Kniffen said we have to decide if we want to make this retroactive or from this date forward. Councilman Grubham said there could be situations where folks aren't actually married but living like a common law husband and wife and he questioned how they get handled. Supervisor Kniffen said right now we have a situation where someone retired and they are eligible for health insurance until 65 and then go into the Medicare pool and we found out they may be divorced so there is no longer a spouse to the retiree. So if you are not legally a spouse you don't qualify. Councilwoman Yonchuk questioned if two people are living together if the significant other of the employee is now covered under the Town's insurance. It was noted that they are not so Councilwoman Yonchuk said this should be treated the same way. Mr. Blaise added from an administrative standpoint spouse is real easy and simple. Councilman Weingartner said the key is if our insurance doesn't allow it then they shouldn't be covered if their partner dies. Councilman Grubham said right now he is not in favor of doing this even though it could benefit his wife. He said we've maintained a policy for quite some time and he doesn't think we should change it. Councilman Weingartner questioned if an employee has a 2-person insurance plan and passes away if the plan is still available to the spouse. Councilman Diffendorf said the spouse would not be covered under the insurance but could buy in through COBRA. Councilman Diffendorf said he is going to support this because we already give someone \$16,000 worth of health insurance for him and his wife and we are talking about giving a few

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people \$2,400. He added that he was on the Board when a widow came to us and it was a sad deal because she begged to be covered and we did not do it. He said that's hard because sometimes the spouse has never been out in the work force and does not have insurance and it puts a real hardship on them. He said he thinks if we can afford to do it for some he doesn't think this little bit will hurt us. Councilwoman Yonchuk says she favors it, noting that financially it's a wash in a sense because we will only be covering one person at \$2,400, not two people. She said it's not costing us any money that we weren't already spending. In regard to the effective date, Supervisor Kniffen questioned how far back would we want to go and if not that we could make it effective tomorrow. Councilman Grubham said although he is not in favor of doing this, he suggests we go back and include the two spouses that fall into this category. A question arose as to whether there is anyone else that falls into this category. Mr. Blaise said this addresses retirees only, not active employees. He said if the Board makes the effective date tomorrow, they could include the two spouses of deceased retirees. Councilwoman Yonchuk noted that any money the spouses paid out previously will not be included, only expenses as of tomorrow and going forward. Councilman Diffendorf questioned if someone is eligible to retire and dies while still working, if their spouse is eligible for the \$2,400. Supervisor Kniffen said the Benefits Committee will be meeting soon and will look into it.

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 scheduling a Public Hearing on February 27, 2018 at 6:00 PM regarding the Volunteer Firefighters/Ambulance Workers Exemption. Councilman Diffendorf seconded.

30-18
Sched PH
Amend
Firefighters
Tax Exemp
LL

Discussion: Mr. Blaise explained that we will be changing the eligibility from one year of service to five years and that's consistent with the State's statute. The other issue is whether or not to include the un-remarried spouse of a deceased member eligible under the life membership or 20 years of service. Mr. Blaise looked into this and could not find the basis for it in any statute that says we can do that. However, he said almost half the counties in the State have this statute available to the municipalities within those counties and every single one of them does have this un-remarried spouse exception in it. So if a member qualifies by their 20 years of service and passes away, every place has this exception and the State apparently allows it because it is on the State's website and all their forms. He said if the Board wants to do it they should since everyone else is doing it. Mr. Blaise has updated the form and provided it to the Assessor.

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 pursuant to Not-For-Profit Corporation Law Section 1402 (c) (3) approving the Membership Roster for Five Mile Point Fire Company, with the understanding that the members so approved will be assigned for which they have been qualified, in accordance with the attached roster. Councilman Grubham seconded.

31-18
Five Mile Pt
Fire Co
Roster

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

MOTION CARRIED.

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Councilman Grubham moved to adopt resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to Section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue license for the following mobile home – trailer park, such license is for the year 2018:

Southern Tier Communities, LLC, 1794 US Route 11, Kirkwood, NY 13795

Owners: Robert and Mouna Hartley

Councilman Weingartner seconded.

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

MOTION CARRIED.

32-18
Issue Trail Pk
License to
So Tier
Communities

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to enter into the Memorandum of Understanding with Teamsters Local 317 regarding the hiring of a temporary employee to supplement the full-time work force in emergency situations, where needed, in accordance with the attached MOU. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

33-18
MOU –
Teamsters
Temp
Employee

Councilman Diffendorf moved to adopt resolution authorizing hiring Joseph Barton as MEO Heavy, on an as needed basis, with no benefits, at a rate of pay of \$23.21 per hour. Councilman Grubham seconded.

Discussion: Supervisor Kniffen responded to Councilman Grubham that if we hire Joe he will be an employee. Councilman Grubham said the policy has been to advertise for jobs and if he was someone coming on off the street that's kind of a different situation but if we are hiring an employee we are not doing what our policy says we're going to do, which is advertise for the job, even though we might wind up with the same employee. He also questioned if we hire Joe for this job and then another job becomes available, which he understands could happen, do we advertise for the job then or does Joe just get the job. Supervisor Kniffen said we would have to advertise. John Finch explained that the reason he chose Joe is because of his work ethic and the fact is we may never use him. This is just in case of an emergency situation, it's just to solidify our paperwork so we are good with PERMA and everyone. John questioned how you would advertise for something that may never happen but he thinks we should advertise if a full time position becomes available. Councilman Weingartner said he thinks this can be looked at both ways, that it's a position but it's also not a position because he might not ever come in. With the situation last year where we needed someone to come in it was an emergency situation so we couldn't follow the normal process. He said this is different than someone that is getting paid a set number of hours a week, there should be some wiggle room. Councilman Grubham said he just wants to make sure we are consistent with this and if we think this is proper and don't think we need to advertise for this situation, fine, but it should be clear. Councilman Diffendorf said he thinks we can't advertise for this temporary job because we have to have someone come in that knows the roads and knows how to drive the truck and after advertising we'll only find someone that has already worked here. He said there is no benefit to advertise and it would only waste our time and money. Supervisor Kniffen questioned by using that theory, while Joe is doing this if the same argument should be used when another position becomes available that Joe knows the job so we shouldn't advertise. Councilwoman Yonchuk said that's different because although we are establishing a position for Joe, the practicality of advertising for this position is virtually not there. She questioned who would apply for that not knowing if they ever would be called in, that it's an unknown. Councilman Weingartner equated this with his teaching position, he said there are teachers that fill in for him but none of them would automatically be hired when he leaves. Councilman Weingartner said if a position does open up Joe can apply for it and his experience would be a feather in his cap but someone might apply for the position that has more knowledge and is the reason why a job like that

34-18
Hire J. Barton
MEO Heavy
as needed

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should be advertised. Councilman Diffendorf added that it can be very discouraging when someone goes for an interview and knows that a person has already been chosen because he has already worked there. He said it's not right to put people through interviews when you already know who is going to get the job and that's why he is not always for advertising. Supervisor Kniffen said we should always advertise and give everyone a chance but if there is already someone in mind and we're just going through the process, we're wasting everyone's time and how do we win in those situations. Councilman Grubham said he's kind of OK with this temporary situation but he wanted to bring it up so we make everyone aware what we are doing. He said he also understands Councilman Diffendorf's concern, but with any permanent full time job, we have to advertise no matter what. Councilwoman Yonchuk added we are talking about permanent positions with specific hours even though they may not be full time and we have to advertise for them.

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 authorizing David Nolan to install fiberglass insulation under the Post Office, at a cost not to exceed \$4,900, in accordance with the attached quote. Councilman Weingartner seconded.

35-18
Install
insulation
under PO
Bldg

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 authorizing the purchase of a 3-wheeled field groomer from MTE Turf Equipment Solutions, at a cost not to exceed \$11,707.20, in accordance with the attached quote. Councilwoman Yonchuk seconded.

36-18
Purchase
groomer for
Parks

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 check valve for Well 3 from W2O Operator Training Group, LLC, at a cost not to exceed \$6,750, in accordance with the attached quote. Councilman Diffendorf seconded.

37-18
Purchase
Check Valve
Well #3

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 purchase of two (2) heaters for the garage bays from Bodek Incorporated at a cost not to exceed \$5,825, which includes installation and prevailing wages, in accordance with the attached quote. Councilman Grubham seconded.

38-18
Purchase 2
heaters for
garage bays

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

MOTION CARRIED.

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Councilman Grubham moved to adopt resolution authorizing the purchase of one (1) heater for the garage workshop from Bodek Incorporated at a cost not to exceed \$3,927, which includes installation and prevailing wages, in accordance with the attached quote. Councilman Weingartner seconded.

39-18
Purchase
heater for
garage
workshop

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 authorizing Brooms over Broome to clean the Town Hall, Code Building, and Highway Garage office, at a cost of \$12,480 per year (\$240 per week), effective February 4, 2018 and transferring \$11,947 from A-1620-1-012 (Personal Service C. Jones) to A-1620-4-040 (Buildings Contractual.) Councilwoman Yonchuk seconded.

40-18
Cleaning
Service

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 ratifying a resolution authorizing the Supervisor to sign the Engagement Letter with Johnson, Lauder & Savidge, LLP, dated January 2, 2017 and Supplemental Engagement Letter with Johnson, Lauder & Savidge, LLP, dated November 2, 2107, in accordance with the attached letters. Councilman Diffendorf seconded.

41-18
Engagement
Letter w/
J/L/S for
2017 (Ratify)

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 Supervisor to sign the Engagement Letter with Johnson, Lauder & Savidge, LLP, dated January 3, 2018, in accordance with the attached letter. Councilman Grubham seconded.

42-18
Engagement
Letter w/
J/L/S for
2018

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 authorizing Chad Moran to attend the New York State Building Code In-Service Training on April 25, 2018, May 10, 2018, June 7, 2018 and October 23, 2018 at Binghamton University, at a cost of \$264, with all reasonable expenses paid. Councilman Weingartner seconded.

43-18
C. Moran
attend
training

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 authorizing James Kavalesky to attend the New York State Building Code In-Service Training on May 10, 2018 and June 7, 2018 at Binghamton University, at a cost of \$120, with all reasonable expenses paid. Councilwoman Yonchuk seconded.

44-18
J. Kavalesky
training

Roll Call Vote: Councilman Weingartner - yes

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Councilman Grubham	- yes
Councilwoman Yonchuk	- yes
Councilman Diffendorf	- yes
Supervisor Kniffen	- yes

MOTION CARRIED.

NEW BUSINESS:

45-18
PERMA
Agreement

Councilwoman Yonchuk moved to adopt resolution ratifying a resolution authorizing the Supervisor to enter into an agreement with Public Employer Risk Management Association (PERMA) regarding the Workers' Compensation & Employers Liability Program Agreement, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

46-18
Retirement –
Standard Wk
Day Smith,
Bukowski,
Woolbaugh

Councilman Diffendorf moved to adopt resolution approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for James Smith, James Bukowski, and Walter Woolbaugh, in accordance with the attached resolution. Councilman Grubham seconded.

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

MOTION CARRIED.

47-18
Retirement
Recert. J.
Smith

Councilman Grubham moved to adopt resolution accepting the Recertification of the Record of Activities for James Smith, Budget Director, for the year 2018, in accordance with the attached recertification. Councilman Weingartner seconded.

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

MOTION CARRIED.

48-18
Attorney
Commence
legal
proceedings
Ritter

Councilman Weingartner moved to adopt resolution authorizing the commencement of legal proceedings and the appointment of the Attorney for the Town to handle said proceedings as outside the scope of work contemplated by the retainer agreement with the Town, in accordance with the attached resolution. Councilwoman Yonchuk seconded.

Discussion: Mr. Blaise said this is for the Ritter proceedings and responded to Councilman Diffendorf that the rate is \$200 for himself and his associates.

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

MOTION CARRIED.

49-18
Think
Differently
Initiative
HELD

Councilwoman Yonchuk moved to adopt resolution adopting the "Think Differently" Initiative to assist individuals with special needs and their families, in accordance with the attached resolution. Councilman Diffendorf seconded.

Discussion: Supervisor Kniffen explained that this was passed on to municipalities by either an upstate supervisor or mayor for consideration, that it's for the community to think about physically challenged kids. He said there are a number of examples and one example for us is a project that involves Katie Legg who heads a committee that he and John Finch are on where they would like to take a portion of Valley Park where the playground is located and expand it quite a bit. All the playground equipment would be

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made accessible to anyone that is physically challenged. Councilwoman Yonchuk said she is all for this since autism and special needs are very near and dear to her heart for several reasons and questioned what the mission statement of the “Think Differently” Initiative is. She noted that sometime in the past they were asked to support a school choice initiative with which she and Councilman Weingartner expressed concerns because school choice in different environments means different things and we asked what was the source of that. She would like to know who is sponsoring this, if it’s an agency or what, that she doesn’t want to be supporting something that is pigeon-holed and puts us in the wrong direction. She also said after looking at this we should not only consider supporting it but be proactive as well and what Supervisor Kniffen mentioned is an example of that. She has ideas that she would like to share with the committee in that regard. Since the Board has not had a chance to review this Councilman Weingartner requested that it be held until the next meeting. Councilman Grubham asked for more information regarding the playground. John Finch said it would be a playground right next to the existing one with playground equipment that would be accessible. Councilman Weingartner said there is special equipment at Otseningo Park that is accessible and John added there is a merry-go-round that can be installed that is flush with the ground so a wheel chair can go on it but it’s not just for handicapped kids. Supervisor Kniffen said it’s going to cost a lot of money to do this and the committee is not looking for the Town to pay for it but certainly hopes we endorse it. In response to Councilwoman Yonchuk, Supervisor Kniffen said the committee consists of Katie Legg, himself, John Finch, Pat Griffin and SEFCU. He said Katie’s goal is to get companies like Lockheed to get involved. He said this is not just about physically challenged children from Kirkwood, it could be from all over that would come here. He said the park lands were given to us by the State and we cannot prohibit anyone from enjoying our parks. Councilwoman Yonchuk said this is a committee she would like to have been on, but if they’re interested and not aware of it, they should go to Rec Park in Binghamton because Habitat for Humanity designed and built a whole section there. She said they did an incredible job and she would like to see Habitat, if possible, involved with a project like this because Habitat is very frustrated with the fact they have an overwhelming number of requests from the western end of the County and have not even heard requests from the eastern end of the County for homes, renovations or adaptations. This would be a good place to start with a community project. Supervisor Kniffen will ask Katie to come to our next meeting to discuss this.

AUDIT AND PAYMENT OF CLAIMS:

Councilman Diffendorf 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 2, 2018, all in accordance with the abstract of claims on file in the Town Clerk’s Office. Councilman Grubham seconded.

50-18
Audit/Pay

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. Councilman Grubham seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 8:01 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk