

**TOWN OF KIRKWOOD
SPECIAL TOWN BOARD MEETING**

July 16, 2018

A special meeting of the Kirkwood Town Board was held on July 16, 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.

Absent: 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:

NEW BUSINESS:

Discussion: Councilman Grubham stated the Board determined that the cost of the drainage project for the highway garage will be about \$180,000 and agrees it will fund at least 50% of that. Mr. Blaise noted that this grant is through the Climate Smart Communities Grant Program, but we will not be doing the extra work to get points, since the grant writer told us not to, that it's not worth it.

Councilman Diffendorf moved to adopt resolution authorizing the submission of an Application to New York State Department of Environmental Conservation Climate Smart Communities Grant Program, in accordance with the attached resolution. Councilman Grubham seconded.

131-18
Grant
Application
Hwy Garage
Drainage

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

MOTION CARRIED.

Discussion: Supervisor Kniffen explained that John Mastronardi is estimating the engineering cost for this project to be \$16,000. Councilman Grubham questioned if we have to spend the money now or if that is what it will cost if we get the grant money. John Finch said whether or not we get the grant we have to pay him the money, adding that it includes a 21-page report that is required to submit for the grant. He said John Mastronardi is estimating 160 hours of engineering time. Councilman Grubham said he didn't realize we would have to spend this kind of money just to submit for the grant and not know if we'll even get any money. John Finch said he assumes a complete site assessment will be included and everything else that is required to move through the project. He added that this has to be submitted by September 1st, that it will be approved this year but the project won't happen until next year. John also noted that John Mastronardi will be attending a webinar to see if there are any other grants out there since there are hundreds of applications throughout New York State going for the same grant we're going for. He wants to determine if it is worth it since he doesn't want to spend that much money either if it's going to fall on deaf ears. Councilman Diffendorf said he understood we got turned down for a grant because the Town is too wealthy, and questioned what the difference is now. Supervisor Kniffen explained that this is EFC, Environmental Facilities Corp., which is a New York State organization that was put together years ago as an option to go to when money is needed to expand for water or sewer. He said that depending on the situation, you could get zero percent interest or low interest. Supervisor Kniffen said we were turned down by the one because of our median income. John Finch said there is \$125 million available for this grant but it's spread over all of New York State. Mr. Blaise added that John Mastronardi will work with Leann, the grant writer, to get a sense of what she thinks our chances are, and if she thinks it's not worth it, then we most likely won't move forward. John Finch said the current estimated cost is a little over \$400,000 and he doesn't expect that to change much after John Mastronardi has completed the engineering report because the design of the tank and the

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additional ring for the other tank has already been designed through the company. In regard to whether or not we should spend the \$16,000, Councilman Weingartner said it has to get done and is part of the package. Councilman Grubham said if John Mastronardi, after looking at it, decides this is the way to go and we can make it work, then he is OK with it. John Finch said John Mastronardi told him we can always withdraw it if we decide it is not going to work for us.

132-18
Griffiths Eng.
Eng. Report
Highland
Heights
Water Tank

Councilman Grubham moved to adopt resolution authorizing Griffiths Engineering to do an Engineering Report for the Highland Heights Water Tank Project at a cost not to exceed \$ 16,000.00. Councilman Weingartner seconded.

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

MOTION CARRIED.

OTHER:

Discussion: Mr. Blaise reported that he received an assessment challenge from XPO Logistics Freight, Inc. located on 145 and 163 Corporate Drive and a resolution will be required for him to respond to this. He explained that they have two parcels for which they feel they have been over assessed at \$37,500 and \$250,000 and they are seeking a reduction.

133-18
Appoint
C&G Legal
Tax
Assessment
Litigation

Councilman Weingartner moved to adopt resolution appointing Coughlin & Gerhart, LLP, as Attorneys for the Town of Kirkwood, to represent the Town as legal counsel for a matter outside the retainer defending the Town in a tax assessment litigation brought by XPO Logistics Freight, Inc. at a rate of \$200.00 per hour with fees and charges to be submitted by voucher. Councilman Diffendorf seconded.

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

MOTION CARRIED.

Water Issue.

Councilman Diffendorf said he thinks there is a serious problem with the Town's water. He explained that his son recently filled a pool out of the hydrant with 300 feet of hose and the water started out greenish and turned brown. He said this is a concern since it is supposed to be drinking water and you couldn't even see the bottom of the pool. He added that he is not saying it is not good, but that has to be determined and we have to find out what is wrong. John Finch said the Health Department looked at it today and they seem to think it is some kind of metal, like iron, manganese or most likely iron that is causing it. So a sample of the well water was taken to see if any of the levels for these metals have increased in the past few years. He said it was taken last year so we will do a base sample based on last year's sample. He said the water is chlorinated and there is no bacteria or anything in it that would make anyone sick. They are also having a company come out that sequesters the iron and manganese to see if there is anything else we can add to the system if it is coming from the well. If it is not that, he will have the hydrants flushed vigorously, since he is not sure if they have been flushed as rapidly as they should be, since he's had conflicting conversations with personnel in this regard. He said in order to clean the hydrants you have to flush them as fast as you can out of the four inch line because that scours the main and cleans it. John said he is thinking what is happening is that it is not being flushed enough and there's not enough flow. He said a normal household only uses a small percentage of that and when you're flushing it, it uses the whole pipe. Councilman Diffendorf noted that Rod Hoover, whose company fills pools from the hydrant, told him it was bad last year also. He said he finds it hard to believe that it's only flushing of the pipes that needs to be done but whatever it is we have to get a handle on it. Councilman Grubham agreed. John Finch added that when a pool is filled and it's green or brown and chlorine is added, it may have a counter effect if it is a metal issue. Councilman Diffendorf said this was before any chemicals were added.

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Geiger Lane Road Reconstruction.

John Finch reported that after meeting with Bob Geiger and Gary Nesbitt, they came up with two options for the Board's consideration, noting that they obviously want Option 2, which would bring the road back beyond what it used to be. Councilman Diffendorf said they knew what that road was, that it has been the same way all of his life, full of big holes. He said you just have to fill the holes in because whatever you do it won't stay. He feels only the minimum should be done. He said there is only one permanent resident on that road, it is not a Town road, and he doesn't think the added traffic from taking boats in and out of there has made much difference. Councilman Grubham said he thought when we were initially doing this that everyone understood there would be very little maintenance done on that road. He said we talked about it being an emergency facility, but it never entered his mind that we would have a paved road because of that. He said if there is an emergency and it is passable, so be it, but if there's four feet of snow he questioned if we are supposed to plow it. He noted that there are other side roads in that area and questioned where we start and stop. Councilman Grubham said he would rather not spend \$4,500 but questioned if we do, if it will solve the problem without doing it more than once. John Finch noted that the millings the Town put there last year are still there, and at the time they were thrilled we were going to do that. Supervisor Kniffen said we agreed to supply millings and they said they would put them down but now they are complaining that they don't stay, so he questioned what we can do so the millings will stay. John Finch said Option 2, explaining the process involved, at an estimated cost of \$15,290.80. Supervisor Kniffen said at one time DEC was going to do something with the road but after they got done they had spent too much money on the project and people look at it that since DEC didn't do it they want the Town to do it. After additional discussion it was decided to go with Option 1, one time only, at a cost of approximately \$4,500. Supervisor Kniffen noted it should be made clear this is one time only. It was also noted that it will only be done to the boat launch.

Councilman Grubham moved to adopt resolution to do the work on Geiger Lane as set forth in the attached Option 1 on a one-time only basis. Councilman Weingartner seconded.

134-18
Geiger Ln
Road Rehab

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to Section 105 paragraph d of the Public Officers Law to discuss proposed, pending, or current litigation. Councilman Grubham seconded.

135-18
Exec. Sess.

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

MOTION CARRIED.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 7:05 PM.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk