

**TOWN OF KIRKWOOD
WORK SESSION**

November 27, 2018

Present: Supervisor Gordon Kniffen
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilwoman Linda Yonchuk

Absent: Councilman William Diffendorf, Jr.

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman
James Smith, Budget Officer

1. Resolution canceling the January 1, 2019 Organizational Town Board Meeting due to the New Year's Day holiday and rescheduling for January 2, 2019.

Resolution.

2. Discussion – Sexual Harassment Policy. (ONB)

Mr. Blaise reported that he updated the policy to expand who issues are reported to. We now have a supervisor, manager or a Sexual Harassment Committee which is comprised of the Town Supervisor and two of his or her designees, one male and one female. Resolution.

3. Discussion – 2019 Sewer Rents – Schedule a Public Hearing for December 26, 2018 at 6:00 PM. (ONB)

Mr. Smith said this will address the rate increase as well as the increase for non-metered users. Resolution.

4. Discussion – Approving fund transfer from General Fund to Fire District Fund in the amount of \$10,265.21 to cover deficit due to Broome County. (JRS)

Mr. Smith said this is related to the settlement with the Assessor in conjunction with the County and school districts, for the Kirkwood Warehouse Investors building. Once they came to terms on what it's going to be there were some retroactive refunds that were going to be made and if they were made across the board for anyone that collected at the higher assessment level, the County reimbursed those folks for everyone and now they are looking for reimbursement from us. He said this kind of thing happens every year. They ask us through an election form if we want to give them the money they paid for us or if we want them to re-levy it to everyone else. In this case we were looking at general, highway and fire district, each having about \$10,000 so we had about \$30,000 to deal with. The fire district didn't have

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as much fund balance as general fund, so Mr. Smith said he is proposing that we transfer the fire share out of general to cover theirs and then pay general and highway out of fund balance. Mr. Smith said from another perspective, expenses and revenues are somewhat like corn in a silo, you have huge resources and uses, but if you were to focus and say how do we justify it, one of the ways that he looks at it is the sales tax revenue has been quite strong this year and we're expecting if it continues to receive a check for about \$400,000 for the fourth quarter. That could be as much as \$30,000 more than we would have expected last year. Resolution.

5. Discussion – Town Historian – Erin Potter. (GEK)

Supervisor Kniffen explained that our current Town Historian, Katie Legg, would like to step down. The position was advertised for with no applications received. He spoke to Sharon Potter about this and he would like to recommend Erin Potter, Sharon's daughter, for the position. Resolution.

6. Discussion – Water Supply Sanitary Survey – 2018. (GEK)

Supervisor Kniffen explained that the Health Department conducted a survey of the water districts and it was a good report, which stated: After completing the Water Supply Sanitary Survey of the Kirkwood water system and reviewing all the records, it appears that the system is being operated efficiently and is well managed. The water system is substantially in compliance with federal, state and local regulations. They also compliment Brian and the Water Department for the job they are doing. In regard to some things that needed to be addressed, Mr. Finch said the screens were fixed and John Mastronardi is looking at the Johnson Road overflow pipe and waiting for prices from contractors.

7. Transfer of Funds.

If there are any questions, Supervisor Kniffen said we can talk about them next week. Resolution.

8. Discussion – Code Truck. (JAF)

Mr. Finch reported that we did not purchase either of the two vehicles we were looking at on the auction site. One went for about \$13,600 and the other one for \$16,600. The \$16,600 was pretty high plus we would have had to pay a 10 percent buyer's fee making it over \$18,000. There is a 2011 red Ford, regular cab, 6 cylinder 4WD, with 65,000 miles on the auction site from an area near Buffalo. It's currently at \$4,500 and will be on the site for 10 days. Councilman Grubham said he thinks we should just continue looking, that there's no hurry. He suggested that Mr. Finch look into the trade in value of the truck on the auction site before the next meeting and also keep track of the bidding and check with the Board for approval as it continues. For consideration at the next meeting.

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9. Discussion – New sewer pump for Corporate Drive Sewer Station.
(JAF)

Mr. Finch reported that the Corporate Drive sewer station has two pumps and currently one of them is not operational and needs to be replaced. He received two quotes for a replacement and recommends we go with Pump Service and Supply for \$7,832 plus \$735 for the guide rail adapter. The other quote was \$9,950 from W2O. It's an emergency situation since there is only one pump and if it fails there will be no way to pump that station. Mr. Smith said we're looking to get it in this budget and since the ladder item is pushed to 2019 he is thinking that is how we'll pay for it. Resolution for the next meeting to ratify purchase.

10. Discussion – Fairview Avenue Update and FEMA Roads. (JAF)

Mr. Finch reported that a hydraulic study of the creek was authorized at the last meeting (where it comes into Chamberlain Creek) to see if we can upsize the pipe at the intersection of Popes Ravine, Fairview and Hiner. The hydraulic study suggested that the pipe should only be increased by six inches in diameter. It's not worth the time and effort to increase six inches and we can't go any bigger than that because we would have to bear the expense. Our recommendation is that we install a trash catch in front of it to stop debris from flooding the pipe which is ideally better than putting a bigger pipe in. The price for engineering and the catch would be between \$12,000 and \$14,000. We would be responsible for 20% of that cost. If we decide to go with that, it's the only expense we should have on Fairview because the rest is covered 100 percent through Federal Highway Administration. The catch could be cleaned out with a backhoe or excavator. Councilman Grubham said there is about 300 or 400 feet of ditch before you get to Krager Road and if we try to keep that cleaned out as much as possible that should pretty much solve the problem too. John said he thinks it would be beneficial to do the catch as well. Councilman Grubham said he is fine with that.

Supervisor Kniffen questioned if there are other similar situations in the town where maintenance might avoid flooding. Mr. Finch said most of the ditches have been cleaned out by the storm but it will happen again. Some of the creeks you can get into, but some of them are protected and you have to deal with the Army Corps. Councilman Grubham said there are some places we could do that, but Brink Road would be almost impossible, although Johnson Road shouldn't be too hard to keep clean. A number of other roads were referenced and will be looked at. Some of them involve State property.

Mr. Finch said Fairview has been completely paved so there will be no extra cost in the spring for us to bear. As you're going down Popes Ravine past Hiner on the left side of Fairview, ZMK is going to be building a wall like they did on Johnson Road. They will drill and pin it. FHA has agreed to have us design and pin it. There were never guardrails going down the left side of Fairview, always trees, and they were all taken down during the flood. FHA is going to have them also install a box beam from Hiner all the way down to the next crossover pipe, which is about half way down the road. They said we definitely have to have some kind of protection there because there's no way to keep people from going over the edge of that bank. They will pay for that at 100 percent also.

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In response to Councilman Grubham as to when the money will come to pay for this, Mr. Finch said that Lance Lee said they have to write an agreement, the Town has to approve it and then they approve the funding so that checks can be issued. In the meantime we have to pay out the money. Currently ZMK is at about \$200,000 which includes the binder but not the top. Mr. Smith said we will take it out of General Fund, that all of this will go through the capital projects funds, FEMA will be coded separately from Federal Highway Administration and then each project will be separately categorized. Funds will be coming from the next levy in January and the sales tax so we should be fine.

Mr. Finch said Mr. Smith is going to compile a list of what we've spent, what's completed and what's not. He reviewed the status of a number of roads:

Meadow - blacktop milled and repaired – completed

Gorman/Grange Hall - ditching and cold mix – completed

Brink - need to reinforce one washout

FEMA wants price to put it back to existing condition and cost for drilling and pinning stone

Ostrum – ditching and washouts need to be done, waiting for FEMA

Blakesley – almost complete, additional issue for FEMA

Sherwood Valley – cul-de-sac wiped out – completed

Foley – needs work at gun club and crossover pipes at C. R. Weeks School,
two cross-over pipes need to be upsized, waiting for FEMA

Quilty Hill – ditching and blacktop patching – completed

Johnson – in the process of replacing crossover pipe this week, wall is completed,
have to address the pipe at 41 Johnson, waiting for FEMA

(\$325,000 job according to Griffiths Engineering)

Crescent – DOT was patching but ran out of time

Cedarhurst – completed

Mr. Finch said FEMA should be coming some time in December but it actually won't be FEMA but the Department of Homeland Security Services since FEMA is spread too thin throughout the country right now.

11. Discussion – Purchase a Mini Excavator. (JAF)

Mr. Finch stated we started renting a mini-excavator from Monroe Tractor on a rent to own basis. He got quotes from Monroe Tractor, Five Star and Milton Cat and searched them out and determined that the one we're renting now is the one we want to own. We were planning on renting to own and then purchasing it with the budget for next year but after he talked to Mr. Smith he thinks we can purchase it this year instead of waiting.

Mr. Smith explained this is an item that will be used by highway, water and sewer and it would just come down to what would be a reasonable split allocation. He said the interesting thing about this is the rental costs that have already been incurred for using it for our needs so far can be applied towards it so that made him lean towards wanting to get it this year. Mr. Finch said

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whatever rental costs we've paid will be subtracted from the \$62,000. Mr. Smith will decide how to appropriate it. Resolution.

12. **Audit of Claims.**

Resolution.

Ritter Property.

Supervisor Kniffen reported that the Land Bank has taken over the removal of the two structures and two trailers, the bids have been let and it has been awarded to Gorick as the low bidder. They feel the structures and the surrounding area should be all be cleaned up by the end of the year.

Upper Court Street.

Supervisor Kniffen explained that we have been trying to clean up areas in the Town and one of the biggest violators is Lechners, located on Upper Court Street. We have negotiated with them to clean up for a long time and finally put it in writing. They were given a plan for four weeks in November, that by the 28th they would remove certain vehicles, fencing, etc. They didn't do anything so we are taking them to court.

Post Office Meters.

Supervisor Kniffen reported that we received a letter from the Post Office, of which we are the landlord, stating that the meters should be raised up. Councilman Grubham added that putting in a platform is another option. He said the cost to change the meters is going to be very expensive because the service will have to be moved to do it. For now we are going to put the platform in. After he gets a price to move the meters a decision will be made whether to do that in the future or not. The Post Office requested that this be done by December 4th and Councilman Grubham said it will be taken care of by then.

Town Sign Board Policy.

Councilwoman Yonchuk presented a list of considerations for the Board to review in regard to use of the town sign board. She said she is not so sure we need a policy because we could be writing one forever and never cover all the eventualities, and might actually be limiting ourselves. Her suggestion is keeping these things in mind in general and use common sense and see how it works. Considerations, some of which have been talked about, are: General Town Announcements, Town Groups and Organizations, such as fire companies, Lions Club, Historical Society and Kirkwood Senior Citizens, and school districts. In regard to the school districts, so much is going on in the individual school districts they all have their own websites and message boards, and in terms of our four school districts her thought is to put the dates and times of major things such as homecoming, prom/post-prom, graduation, fundraisers in Kirkwood, and congratulations for sectional and state championships, valedictorians and salutatorians. In regard to including neighboring towns, she said she does not have any specific guidelines but she doesn't know what we would need to put on the sign board from neighboring

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towns that would be so relevant to Kirkwood that Kirkwood residents would need to know the information. Councilwoman Yonchuk said whatever is put on the sign should only be basic information because you're stopped at the stop sign only as long as it might be for traffic to keep moving so you can't have a lot of information about the event or else someone will honk at you for stopping too long.

In regard to local businesses, Councilwoman Yonchuk said she thinks if a local business is doing a specific community service event that is one thing, but it shouldn't be used for advertising a business. She said she does like having it there and after the Board's review this can be discussed at the next meeting.

Supervisor Kniffen said this will be good to use as a guide. He said he is glad we have the sign and appreciate the effort that goes into it but he has trouble reading it. He questioned if there is a way to take some of the color and flashing out, possibly more black and white. Mr. Finch will look into getting it toned down.