

TOWN OF KIRKWOOD WORK SESSION

May 28, 2019

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

Also Present: Robert McKertich, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman

1. **Opening Sealed Bids – Ladder Installation.**

Mr. Finch reported that no sealed bids were received, although a bid was faxed which was not acceptable. John Mastronardi is suggesting that we extend it out two weeks and have the bid opening two weeks from today on June 11th at noon with two Board members present. We need to publish it for five days. Supervisor Kniffen questioned if no company bid now why they would bid later. Mr. Finch said one company from Syracuse was waiting for prices from their subcontractors and I know of two companies in the area that are supposed to be bidding on it also. I don't know if we gave them enough time to get all the information together. A resolution will be needed for this.

2. **Comprehensive Plan. (LCG)**

Councilman Grubham presented a draft of the Comprehensive Plan at the last meeting and said we need to schedule a public hearing at our next meeting and advertise for it. After that we'll see where we're at. In response to questions from Councilman Diffendorf, Councilman Grubham responded: There is not a new zoning map included because that did not change. The Kirkwood Cemetery on Main Street is zoned PUD, so there will be no limitation for future expansion. In regard to "District Purposes" on page 7102 being the same for Residence and Residence 1, Councilman Grubham said purposes were never in our zoning before and that was one of the recommendations from Broome County, that we state what the purpose of each district is, and they happen to be the same. There was no change in the decibel limits regarding noise pollution. No more than six chickens may be kept on a property at any time in Residence and Residence-1 districts and they must be penned, not free range. Farmers are still allowed to have chickens. Resolution to schedule public hearing.

3. **Discussion – Court Fines – Update. (GEK)**

Supervisor Kniffen said we've been in touch with the offices of Senator Akshar and Assemblyman Crouch about the traffic fines because we don't think we're getting our fair share since many of the fines in Kirkwood are on NYS highways and all that fine money goes to NYS. We started with Senator Akshar submitting a request to the Senate to adopt legislation

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that would have the Commissioner of Motor Vehicles do a study on this and it hasn't happened. This has been submitted twice. Now Assemblyman Crouch and Assemblywoman Fahy submitted their own legislation to the Assembly. Although it says to have the Commissioner of Motor Vehicles do a study, I'm checking to see if it is more specific to what our situation is, but I haven't gotten an answer back yet. Senator Akshar's office has put Kirkwood on an LRS Alert which means that any time there is a Senate discussion relative to this, we get an alert so we'll at least know they are discussing it.

- 4. Resolution ratifying a resolution authorizing Briggs Appraisal Service to do a Residential "Court Ready" Appraisal Report for 61 Main Street, Kirkwood, NY, at a cost not to exceed \$850.00 and if necessary to testify in court at a cost not to exceed \$500.00 per day, in accordance with the attached proposal. (GEK)**

Resolution.

- 5. Discussion – Former Ritter Property. (GEK)**

Supervisor Kniffen said all the buildings are gone and we told the Land Bank we would be putting a small park there. We haven't done anything yet and one of my ideas is to put three flower plots in on the upper half of the property, where they would be seen from the road, similar to the two we have on Route 11. Councilman Grubham said I don't know if it's worth bothering with right now until we have a plan. Since we don't want to use the crossing if we can help it, I thought we should eventually contact Willow Run to work out a deal to extend the road through to give us access to the property. We would then have a way to get to it without people's lives being in danger using the crossing and then decide from there what we want to do with the property. Possibly we could put in another boat ramp, giving people access at this end of the Town. I would think Willow Run would be receptive to that idea. I'm thinking they are still planning on putting the additional building there since they got the grant money, and that would be a way to give us good access to the property. Supervisor Kniffen said I think it's a good idea but how we would get over the pond. Councilman Grubham said it would have to be filled in and Willow Run might have a lot of excess material from their new building, and the Town may have fill as well. Supervisor Kniffen said I'll talk to Willow Run about that but in addition we need to do something with the park and I can't see us spending a lot of money since it's not a large piece of land and most likely there will not be a lot of activity there.

Whatever we eventually put in there, I think we need something out front that can be seen from the highway as part of our beautification process, and I'd like to discuss that. Councilman Weingartner said eventually we could put in a nice sign, similar to the other signs as you enter the Town, similar to Sullivan Park in Conklin and we could name the park. I wouldn't think three flower plots, maybe one. Mr. Finch asked are you going to do this before the decision is made to put a road in through Willow Run. Supervisor Kniffen said one way or the other we have to get there and whether we use the crossing or the road that open area is still there. Councilman Grubham added that the railroad has quite a deep right-of-way through there and they may not want us putting something on it. Supervisor Kniffen said I'm aware of that. Mr.

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Finch said before anything is set in stone I'm thinking maybe we should wait to see if Willow Run is willing to put an access road there. I'm just worried about putting top soil in there and how we're going to maintain it. I don't want my guys driving across there just to maintain something that's never going to be used until we can get proper access. They have enough things to do in other parks. Councilman Weingartner said maybe we should wait because if the access road is put in something will have to be put up so people don't use the crossing. Councilman Diffendorf said the crossing can't be closed because there are other properties down by the river that use it. In regard to his thoughts about putting in the flower plots, he said I was against buying this property to begin with and I don't want to spend any money there and I don't think it's a good place for a park. Councilwoman Yonchuk said I'm not convinced that's a great place for a park and what we could do with it as a park. There are too many unanswered questions at this point. Supervisor Kniffen said, remember, when the Land Bank said what are you going to do with it, they wouldn't allow it to be green space and take the buildings down, so we said we'd put a little park there and they said that was fine. Councilman Weingartner said I think it would be good but I think we should wait and see if we can get access through Willow Run.

6. Discussion – Paid Time Off to Vote. (GEK)

Supervisor Kniffen said there's a new New York State Law that states you have to give employees up to three hours paid leave time to vote on Election Day. We put that into our policy, saying up to three hours at the end of their shift. In response to Councilwoman Yonchuk's request, Mr. McKertich will provide a copy of the law. It was noted that Town of Kirkwood employees get Election Day off, but the thought is this would involve primaries as well. Councilwoman Yonchuk and Councilman Weingartner said I think this is a ridiculous law, with Councilman Weingartner adding polls are open from 6 AM to 9 PM and not too many people work all those hours. It was noted we now have early voting as well. Resolution.

7. Discussion – Request from Chad Moran to attend STBOA training on June 26, 2019 at the Neptune Hose Company at a cost of \$35.00, with all reasonable expenses paid.

Resolution.

8. Discussion – Request from Alan Glover to attend the Southeastern New York Water Works Conference on June 13, 2019 at the Sidney American Legion at a cost of \$31.00, with all reasonable expensed paid.
(JAF)

Resolution.

9. Discussion – Summer Help – Austin Haskell – May 29, 2019 for 90 days. (JAF)

Resolution to ratify.

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10. Update – Foley Road Culvert Replacement – Site #1 & Site #2. (JAF)

Mr. Finch reported that ZMK Construction was the lowest responsible bidder for both crossover pipes. Resolution to ratify.

11. Discussion – Request from Charles Gee to increase his pay from \$8.00 per day to \$10.00 per day to open and close Veterans River Park.

(JAF)

Mr. Finch said Charlie Gee is requesting a pay increase. He opens and closes the park every day from May through October/November (weather permitting), and has been doing this for at least five years. Councilman Grubham said he's tied up every morning at 6AM and every evening at 9PM, it's kind of an aggravating job and I'm OK with it. Mr. Finch said he actually drives down in and makes sure there are no issues. Councilman Diffendorf said there are a lot of people that would like that park open all year long. Mr. Finch said there is a plowing issue with that. Councilman Grubham said you could close it in case of too much snow or in the case of flooding. Mr. Finch said we would need Charlie all year long if we do that. Councilman Grubham said we can address it in the fall. Resolution.

12. Resolution pursuant to section 3A(e) of Local Law No. 2-1976 entitled “A Local Law Regulating the Use of Parks of the Town of Kirkwood”, authorizing the Town Clerk to issue a permit to the Kirkwood Town Fair, Inc., for the use of the entire Kirkwood Veterans River Park on August 8, 9, and 10, 2019 without any permit fee to guarantee proper clean up after each use.

Councilwoman Yonchuk noted that the theme for this year's parade is “Favorite Sports Team”. Resolution.

**13. 2019 Agreements:
Police Athletic League (PAL)
ACHIEVE**

Our donation to Police Athletic League (PAL) is \$1,000 and ACHIEVE is \$1,375. Resolution.

14. Audit of Claims.

Resolution.

15. Executive Session.

Councilwoman Yonchuk 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 Diffendorf seconded. All voted in favor. MOTION CARRIED.