

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

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

Also Present: Robert McKertich, Attorney
Kelley Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
James Smith, Budget Officer
John Mastronardi, Engineer
Duane Travis, ZBA Chairman (via Zoom)

PLEDGE OF ALLEGIANCE:

Discussion – Jason Garnar Emergency Meeting

Supervisor Kniffen said Jason Garnar our County Executive called a meeting with all the municipalities. Apparently there's been an increase in the virus in Broome County, it's basically on the West Side of Binghamton. They think its people going to restaurants and a bunch of people sitting together. To attempt to curb it, before it gets out of hand, the Governor is sending down equipment that gives you fast readings on the virus. If they check you for the virus it usually takes several days but they do this in several minutes. Jason Garnar is taking a county bus that will have the equipment on there and go around and test people. He is asking municipalities if they have any people they can donate, if it's during working hours if we would continue to pay them if they were helping in this situation. I know it's fresh off the press, if you want to think about it and get back to me and think about if there is something we can do. We certainly want to help if we can. It's a shame that we have come this far and if there is a relapse that is not a good thing. I do have copies of what he sent out and make sure you get a copy before you leave. The email from Jason Garnar is on file in the Town Clerk's office.

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

1. 2021 Preliminary Budget presented. (JRS/GEK)

Supervisor Kniffen said its budget time again this year, I'll give a brief overview of it and then Jim Smith, our Budget Officer, will have some comments on it. When we did this year's budget last year we lowered the rate by about 4 cents so there was no increase in the tax rate, which is always a good thing. This year has been a tough year with the virus. Back in March when the virus really picked up we put a freeze on spending and then the Board adopted a Virus Budget. It helped us get through a tough time because we lost so much money with sales tax, which is the main revenue source for us, in addition to the property taxes. Doing that helped us get prepared for next year. This budget will be reduced by about 5 cents per \$1,000. Supervisor Kniffen asked Jim Smith to take over the discussion.

Jim Smith said he made notes on page 11 of the Preliminary 2021 Budget packet and to follow along with that. Jim Smith said Supervisor Kniffen mentioned the 5 cents per thousand, which is the case in all the usual details in the first 10 pages. Sales tax is the primary thing and I emphasized that as to, where do we stand and what does that mean when we try to project for next year. I did a recap and as a reminder we get to allocate sales tax revenue between General and Highway. I'm just thinking in terms of total, because it's up to us how much of that we allocate between those two. In 2019 we took in a little over 1.5 million in sales tax revenue. We hope we get that much or more because we set up the budget for 2020 prior to the virus at 1.475 million, then all things changed. Not knowing the future and it being uncertain we did the virus budget cutting back 35% of that sales tax. It wasn't quite so bad so far, we're waiting for the 3rd quarter information in October. In a webinar with the Deputy Comptroller he indicated if you look at the statewide information, July and August numbers were down about 8% for both of those months from a prior year over year comparison. I extrapolated the rest of the year and I'm ball parking that we are going to come in around \$1,111,000 for the rest of the year. When you total the whole year it's more like a 25% reduction. Then what to do for 2021, will that 8 or 9% carry on, for purposes of the draft I did 10% so I'm ball parking \$1,330,000. Hopefully it's better than that. We are not out of the woods yet, I

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

think Supervisor Kniffen's preliminary announcement speaks to that. The magnitude in dollars is about \$145,000 less than a normal year.

The Fine Revenue, I don't know with bail legislation change if we really get much bail forfeitures any more. We took off 35% for the virus budget and I'm estimating we could see as much as 42% reduction on that. The court had less activity at the end of March and completely closed in April. In the 2nd quarter even the diversion money that comes through the County was way off, which dropped about 59% from normal. I think both programs, ours and the diversion, will continue to come up and I'm estimating \$170,000 but it's still about a \$65,000 drop in normal.

The New York State AIM related payment of \$31,884 is annual revenue that we can count on, they tried taking it away last year. They restored it last December based on recognition that more sales tax revenue was coming in. It's one that is not guaranteed. In the webinar they talked about cutting 20% of the revenue in terms of the virus going forward. I'm expecting that 20% cut and we'll only get \$25,507. Next year I budgeted less, \$17,800, so if they took it all away I want us relying on less of a revenue number. Hopefully we'll get at least the 80% of normal. They have talked about cutting this and CHIPs right along now. Councilman Diffendorf asked if we had received the \$31,884 yet and Jim Smith said no, they make the payment in December. Councilman Diffendorf said we may not even see that then and Jim Smith said that's possible. It's likely we may get 80% of that. Our mortgage tax revenue could suffer by 20% going forward. Grants are also in question, I was thinking about our SAM grant, if it had been passing through enough agencies before it got to the final stage we are going to be ok, but if it had not gotten through some preliminary approvals you're liable to see 20% of that go too. Supervisor Kniffen said we keep swimming upstream on that with Senator Akshar's office. It has changed because when Senator Akshar got the money Republicans had the majority and now the Democrats are. We probably took a few steps backwards and just hold our breath we are going to get that. We stay in contact and keep reminding them that we are still interested.

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

Jim Smith said retirement costs are going to increase about 11%. The fiscal year for the State in the retirement system is March 31st and they turned their actuaries loose on that data as far as the investment pool and March was a bad time for the stock market. That's the marking period and they have to make it up through contributions. The budget includes about an 11% increase over last year for that reason. Hopefully the market recovers before next March, but if it even treads water I would expect the contribution to come back down for 2022.

Supervisor Kniffen said the grants we got for the drainage project and the salt barn are different then the New York State grants. We probably shouldn't spend any of that money until we get the grant. Jim Smith said sometimes you need to spend it and submit it to get reimbursed because they want proof it was paid. But when you have the opportunity to get it first, that is difficult to arrange with the people doing the work though. When we are waiting on the money and you try to put them to work and get the materials, that's been a tough thing. Supervisor Kniffen agreed.

Jim Smith said payroll raises overall were computed at 2.4% which is consistent with the Union contract terms. The hourly people get a maximum of .50 cents per hour which equates to \$1,040 per year for salaried employees.

Jim Smith continued by stating the assessed valuation crept up just a little bit to 1.78 million.

Jim Smith said the disaster fund of 2018 has a couple larger projects on hold. Our receipts have been very strong, other than the larger ones which is over a threshold of \$128,000 or so. Those go through much more red tape and precise back room auditing. It holds up the money longer, it always has. When all the Federal FEMA money is tabulated we get an administrative amount of 3%, so we won't see that for a little while either. We did get paid the Federal Highway, there was a little bit of a shortfall, some of that money was 20% affected. We had some engineering costs that we needed to recoup out of there too, about \$7,467. It's all done on a scale of \$452,000, we did ok. On another note, paperwork came regarding the 2011 flood and they are asking for more

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

documentation on one of the claims we were paid for, to the extent that we didn't spend it on what we indicated. They want alternate spending sent to them with documentation to really finally approve it. This goes back to when Ray Coolbaugh was in office. John Finch, Sue Glovich, and I are working on that now. Jim Smith responded to Supervisor Kniffen that yes, FEMA was coming back to us from the 2011 flood. Supervisor Kniffen asked if there was a statute on that. Jim Smith you would hope. FEMA gets spread so thin it just takes time.

Jim Smith said regarding the SAM grant funding, we don't accrue for that formerly unless we get the money. The Capital Project with a deficit of \$400,000, we are waiting for that money to come in to make us whole since we've laid out the funds already.

Jim Smith said we had envisioned a 3 year program to pay our share of the Highway Drainage project and Salt Barn project, there was a little bit more incurred on the drainage part of it that wasn't anticipated, so it's a little higher. But in the virus theme we were cutting back the annual from \$79,000 to \$13,000 and tried to recover that, our original intention with the additional sales tax money that we got beyond what we cut for the virus. We'll see what happens with our next couple of quarter checks. The goal is to get that all said and done since the project is over with.

Jim Smith said projected fund balances are important and have general and highway funds. These are monies that are generally restricted from any special reserves we set up. The only time we alter that is when we appropriate towards next year. I'm expecting the general fund will finish the year with \$1,703,820 with the projected appropriated budget at \$153,000 to balance the budget of 2021. That will leave us with \$1,550,820 of cushion, if you will, for the future beyond that. I'm projecting the highway fund at the end of the year with \$412,616 and appropriating \$127,000. We are appropriating more and it has a lot to do with the virus impact. If revenues turn out better we would have a higher level than projected.

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

Lastly, the projected unappropriated amounts are tentative for light funds and fire districts for the year. We are slowly trying to build up the fire fund balance a little more. The light fund is in pretty good shape. I have been in touch with the Board members and met with them if requested.

Jim Smith said Councilman Grubham had brought up a point about election costs, in a line item we plugged in \$14,856 and after this year's election it should be a quieter year and maybe one polling place so I reached out to Broome County. They said the numbers were established for 3 years in advance and that's our share so it won't be less. That budget is the way it is. Councilman Grubham said so it's the same amount for 4 polling places as it is for 1 polling place. Jim Smith said that is how they do it. After 2021, the 3 year period will be over and they will recalculate it for 2022. I will do more research on it.

There is a copy of the Preliminary 2021 Budget on file at the Town Clerk's office.

2. Discussion – Resolution Approving the 2021 Preliminary Budget and Directing a Public Hearing for October 27, 2020 at 6:00 PM. (GEK)

3. Discussion – Proposed Collective Bargaining Agreement. (GEK)

Supervisor Kniffen said this is the last year of our agreement with the Union. Our committee: myself, Councilman Grubham, and John Finch, meet with Bob Firmstone, head of the Teamsters regularly. This year the Union members were asking for .50 cents per hour. I think that is the same as what's in the current contract. Whatever the union gets we pass on to our non-union employees. That ends up being about a 2.4% increase. Secondly, the summer hours for the Highway department will be in the actual agreement, it was an MOU to start with. Also, to supplement our health insurance coverage there is \$425 health reimbursement and they want to increase it to \$450. Lastly, the health insurance contributions, which all our employees do, the union members wanted it every 3 years at 0%, 1%, 1% and we changed it to 1%, 1%, 0%. Councilman Grubham said the reason for that was because this next year is going to be tough money wise and we thought 0% next year wasn't good for us, they can get it the last year of

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

the contract. Supervisor Kniffen said another thing that has benefited all of our Town employees with the union is they have allowed a lot of our non-union employees to join their insurance which is much cheaper than Excellus. In fact, I think we have saved around \$53,000 by doing that. That's interesting because when the union first came in we weren't happy, but that's a benefit for all of us. So, we have the approval of the Board to go ahead with that, good.

4. Discussion – Colesville Road Cemetery. (GEK)

Supervisor Kniffen said we agreed to supplement the cemeteries each year. We did it for the two cemeteries in Kirkwood. Then there was the one on Colesville Road. A gentleman on the Town Board in Colesville and his mother were the management of the cemetery. I talked to him and his mother has passed away and he said there is no way there can be anymore burials in that cemetery, it's just impossible. He's the only one left and he is putting it on the back shelf. We are holding on giving them that supplemental money and just holding it for now. Councilman Diffendorf asked if the gentleman was just going to walk away from it. Supervisor Kniffen said, pretty much, he's going to take care of the little money they have left and he has all the records. Councilman Diffendorf said, we'll probably end up with it. I think by State law we have to take care of it. Councilman Diffendorf responded to Councilman Grubham by saying, it's not a large cemetery, but it's very hilly. That is the problem and why they can't get in there anymore. They never had a good way of getting in there and now they have no way. Jim Smith said I've seen municipalities that have perpetual care funds and trust funds associated with cemeteries that they are responsible for, sometimes there is more involved than just upkeep. Councilman Diffendorf said you can get in there with a lawn mower but not a backhoe. They came in from an adjoining property and now they can't come in that way. That's what I understand, properties change hands and people say no you can't use my property. I have the same issue like that in my cemetery. We had water in the cemetery from the homeowner next door, and now that it's changed hands the new homeowner doesn't want to supply the water. It's their water and they can decide that.

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

5. Discussion – Hiner Road/Krager Road – Road Project. (GEK)

Supervisor Kniffen said I'll give you a little history on this, we call it the Hiner Road/Krager Road project. Going back to the flood of August 2018 this was one of the areas that was hit very hard on Hiner Road. We have 10 residents up there and the City of Binghamton has 9. They couldn't get in and out after the flooding, the only way they could was on private property. They allowed them to cross and exit through State Hospital and then to Court Street. It sat there for a while and was getting bad press and the DOT stepped in and did the repairs and fixed it to how it was. However, the concern by the City of Binghamton was, what if this happens again, and we would get help in the future. They did a study on this and have an engineering report from engineers at Shumaker's. John Mastronardi said we assisted Shumaker on that study for the City, we provided engineering support. We helped with cost estimating, preliminary designs, and more. Supervisor Kniffen said it involved shutting off Hiner Road, buy some land and make a road from Hiner Road to Krager Road. Originally the project was \$1.5 million and now its \$1.1 million. We had discussed it as a Board late last year and there was a concern about us getting involved with this. I think Councilman Diffendorf had concerns and mentioned Brink Road and that gets FEMA help all the time. That is the problem with this project they didn't think FEMA would do it more than once. That is one of the reasons they want to get it taken care of. Councilman Weingartner said one of the things that I remember from the last discussion was do the people that own the property want to sell the property. We met a couple times with the property owners when we first talked about this. John Finch and I had a conference call with the Mayor of Binghamton yesterday and they discussed the project costing \$1.1 million with FEMA paying 75%, New York State paying 12.5%, and local paying 12.5%. Local being the City of Binghamton and Kirkwood. The Mayor would like to see that 12.5% being split and costing Kirkwood \$68,750 and the same for the City.

To run that road we first of all need to get that property. They presented it to us that the City would take care of everything, except the road would become ours to maintain. What they meant by that, we would have to negotiate with the property owner and see what kind of price we could come up with. We contacted the owner yesterday and she said she would be interested but wanted

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

to know how much we would want. I told her we weren't that far along yet. Our Assessor said it was assessed around \$21,000 and I believe the engineering report said around \$20,000. The City is concerned if we do nothing then we won't get help in the future from FEMA. My feeling is we should be involved somehow because we have residents up there. The people on Hiner Road never expected a flood like this and I think we should do something. If we all agree, what will that be?

With the new road the Highway Department would have less plowing to do then they do on Hiner Road. John Finch said, about 800 feet less. Councilman Grubham said I think the cost we talked about for maintenance per year was about \$5,000-\$6,000, that's still every year we have \$5,000 to spend. Seems like that should come into the equation somehow. John Finch said the City takes care of the maintenance during the summer, ditches and wash outs. The new road will all be on us. Councilman Grubham said maybe its \$4,000 then for maintenance. John Finch said we would have to decide with the City if we are still going to continue that contract of us maintaining it in the winter and them in the summer. Chances are it will be us. Councilman Grubham said it would be awkward to drive all the way around if we are going to eliminate the lower end of Hiner Road. Councilman Diffendorf said I don't see the City doing anything. We had a hard enough time getting them to do anything before. If we went with this plan, it's good bye City help. John Finch said they don't put much effort into that road at all in the summertime.

Councilman Grubham asked if we are the ones that have to buy the land. He said, we have to do all the work to get the land. Our attorney is going to have to take care of that. Supervisor Kniffen said the property we are looking to buy doesn't run right up next to Hiner Road. So there's property in between that we need to get. That is another issue we have to deal with. Councilman Grubham said I'm adding up all these numbers in my head, we have to pay our attorney and engineering costs.

John Mastronardi said the last segment of Hiner Road, about 200 feet, it appears on Broome County GIS that a portion of it is part of iHeart media that has the

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

tower and another private property that has 75-80 feet. Was there an arrangement with those two property owners to install a road and maintain it? Supervisor Kniffen said I don't think so, because we were pushing from day one for the City to speak with the owner of the property for the new road and they wouldn't do it. So we've had to do all that. Councilman Grubham said the cul-de-sac is not ours, its private property. I don't think there is any arrangement to allow us to drive on that road, we just do it. John Finch said that is where we turn around with our plows. We don't maintain it. The only way to get up there is to plow our way out. Councilman Grubham said I think we need to figure out what all these costs are and then decide. We are going to be putting X amount of dollars in it no matter what, and then another \$68,000, I guess that is the question. Supervisor Kniffen said then we have to negotiate. John Finch said they need to move along because they have a deadline of November 2021 to have this completed or FEMA won't reimburse us for any of it. Councilman Grubham said there is no way this project can start this year. John Mastronardi said we still have to go through final engineering design, there's a wetland that needs clearance from State or Federal agencies and more. Supervisor Kniffen said we asked Shumaker engineers for other alternatives so the Board could look at other options. They said this is the best option. There were other alternatives but they had reasons why it wasn't recommended. John Mastronardi said the other options were: Hiner Road over to Windy Hill but that was longer and steeper grades, changing the alignment at the beginning portion of Hiner Road from Fairview but that would still require structures like culverts and crossings of troubled spots in that Chamberlain Creek corridor, or put it back in the same place. Each one of those came at a higher cost and came with other hurdles. John Mastronardi responded to Supervisor Kniffen by saying, economically, it was the cheapest and most effective.

Mr. McKertich said you are saying from the City's point of view economically this is the best route, but what about the Town of Kirkwood's point of view. There were a couple alternatives from my understanding that didn't include the Town of Kirkwood at all. Then the Town wouldn't have to contribute to the 12.5% or acquire any land. If you did the alternative analysis from the Town's point of view I'm wondering if you (John Mastronardi) would reach the same conclusion.

TOWN OF KIRKWOOD WORK SESSION

September 29, 2020

It looks like alternatives #2 and #3 from the report did not require Town of Kirkwood involvement at all, that's the way I'm reading this. 1A and 1B. John Mastronardi said one was to restore Hiner Road and to upsize the structures and the other is basically the same thing but trying to add additional structures. It was trying to restore Hiner Road and improve the drainage structures that pass under Hiner Road. Those costs were higher to the City, but they wouldn't solve the long term problem for the City or the Town. Mr. McKertich said but neither does the new Hiner Road. Your report said if we created the new Hiner Road there is still the underlying problem of Chamberlain Creek that doesn't get resolved. John Mastronardi said, yes, but Chamberlain Creek, all the way from its head waters all the way to the Susquehanna is a problem. The whole drainage basin, everyone has seen what happened on Court Street, which is the lower reach, and Hiner Road is the upper reach, a reoccurring problem. Mr. McKertich asked, so none of these address the underlying problem of Chamberlain Creek. John Mastronardi said no. Broome County had an environmental engineering company study the Chamberlain Creek corridor but I don't have the results of that study off hand. It has been looked at.

Supervisor Kniffen said if this project is a go, then Chamberlain Creek wouldn't bother us anyway. Councilman Diffendorf said that creek goes out through Krager Road, if we had a major flood that sluice pipe on Krager Road could go. John Mastronardi said all of Fairview could be affected again. It's a different funding agency and different project but it's the same corridor. Councilman Diffendorf said if Krager Road goes again you are back to where we were, you can't get out. John Mastronardi said I'm not aware of the Krager Road culvert ever failing in the last 12 years. I know damages on Hiner Road have occurred in three federally declared disasters to the extent where residents can't get to their homes, that's a fact.

Supervisor Kniffen said let's meet again next week. I want to go over this thoroughly and whatever we do when we go back to the City I know we all will support it.

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

Jim Smith said a lot of times when we are dealing with federal projects they will pay 3% for administrative indirect costs. With the 75% FEMA amount of \$825,000, 3% of that is just under \$25,000, which might be something to negotiate as a pot of money to get some additional indirect costs reimbursement. If there's a contract, maybe they would be willing to share some of the federal money (FEMA). If it applies to this project and they get the money it would be behind the scenes if they are the primary grantor of the project through the federal government, we would never see that. Its additional revenue on top of the 75% direct costs, probably. It's to help pay for auditing costs, John Finch's time, and Sue Glovich's time. Something to keep in mind at negotiations if that is something they would get, we could ask for our share of that to help pay our legal costs as so forth.

There is a copy of the Hiner Road Flood Mitigation Alternatives Report on file in the Town Clerk's office.

Supervisor Kniffen asked John Finch to explain the water situation at the City Line Booster Station. John Finch said right before we talked to the City about Krager and Hiner Roads we talked to them about the City line and getting the water turned on. Last week we had the City turn the valve on because we knew we had a leak outside the City Line Booster Station. When they cracked the line open we located an abandoned meter pit before the city line building was built. We took the lid off that and it was cracked in half, over the years it's rotted and rusted. When they cracked the valve it was spraying water out all around it. We need to go inside the building and cut that pipe off where it goes out to the leak and eliminate that piece of pipe so there isn't another potential leak. We are getting prices on the repair. Once that is done, we will contact the City again and open the line and make sure there are no leaks. Then we will start that pump to make sure it's flowing properly. We will be doing that 2 to 3 times a year to exercise that pump. They aren't concerned about the water usage at that point. The only time they would probably bill us is if we have to use the water for supply. They are sending us a contract and I'll send it to Mr. McKertich to have him look it over. I think its 1 ½ times for outside users of their normal rate. Everything should be a go once we get that leak fixed. Councilman Grubham said

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

the water has been leaking out of the ground down there for some time, where did that water come from. John Finch replied, it came from Binghamton, the valve must not have been closed completely. It was the City's water coming out of the ground. John Finch responded to Councilman Diffendorf saying, it was a line coming in from the City into the City Line Booster Station but apparently there was a pit before the station was built and it just had a meter to monitor the water, they just put a cap on it. Councilman Diffendorf said it was a meter to record the water they were shipping to us. How did the water get into the building to ship it to us? John Finch said they have a valve down by the boiler, the old power plant. But that's the supply line it went through that building and then back out to the meter pit. Then they made alterations in the building to divert that water and went to a pump system, maybe because they didn't have enough pressure. It's confusing.

Supervisor Kniffen said a little history about this, after one of the floods of 2006 and 2011 we had to help Conklin out and put a pipe underneath the Susquehanna River to give them water. We discussed that as a Board. This water main we are talking about tonight, we used that when we used to buy our water from the city. We have our own wells now. That was just sitting there so we decided as a Board to get that up to date and spend a few dollars on it and that is why we are at this point. Councilman Grubham said when the Risk Assessment for the EPA comes up, that's an important thing to have. John Finch said I did the Risk Assessment when I was in the Water department. We have had one for five or more years. I did a Risk Assessment and Emergency Preparedness. Al Glover is updating all the information for the upcoming deadline of next year.

6. Discussion – Retention and Disposition Schedule for New York State Government Records (LGS-1). (KMD/RHM)

Kelley Diffendorf said New York State Archives is changing their schedule from MU-1 to LGS-1. This is a schedule telling us how long we have to keep records. If we have to keep them permanently or when we can destroy them. This new schedule is more compact where everyone is following the same schedule. Mr. McKertich said they use to have it where the fire districts had one, the schools

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

had one, and towns and villages had one as well. Now this incorporates all of the municipalities into one schedule. They call it LGS-1.

7. Discussion – Resolution ratifying a resolution authorizing Chad Moran to attend STBOA training on September 23, 2020 at the Oxford Rod and Gun Club at a cost of \$35.00.

8. Discussion – Snowplows & Mailboxes. (JAF)

John Finch said I'm going to implement this as far as replacing mailboxes in the winter months. In the past, whenever a mailbox was knocked over whether we hit it or the snow knocked it over or the ice or if it was rotted it would be replaced by us. Many times it's just the snow or the ice that knock them down if they are old and rotted, sometimes they are in our right of way. We don't have to replace them according to Mr. McKertich and the Attorney General. When the DOT hits a mailbox they don't replace it and never will. If we do hit them with a plow or wing, if we are at fault, we will replace them. That's the only time we will replace mailboxes. If we do replace them and it's a fancy one, they will get replaced with a standard mailbox. It states in the included document what would happen if we were to hit a mailbox. Obviously we can tell when we hit it because there's a red mark on the mailbox or on the post. I'm changing it now so everyone is aware. It's too expensive to replace when it's not our fault, especially with the fancy mailboxes these days. Councilman Diffendorf asked John Finch how he would get this information out to the public. John Finch said I will explain it when they call, and we will investigate each case. Councilwoman Legg said we could put it on the website and on Kirkwood Happenings. Councilman Grubham asked about making it a policy. Mr. McKertich said we could if we wanted to formalize it, but this reflects the state of the law as it currently is. John Finch said making it a policy is fine with me then people can't come back to argue about it. Councilman Diffendorf said I think it's fine if we make this policy. He asked John Finch if he is finding that some mailboxes are too close to the road. John Finch said yes some are and I can think of a few that are too close. I think if we contact the post office they are supposed to tell them how far off the road and the height. John Finch said this happens about 4 or 5

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2020

times a season, it depends. Supervisor Kniffen asked if we will have a resolution to make it a policy at the next meeting. Mr. McKertich said yes.

9. Discussion – Resolution ratifying a resolution hiring Tyler Harpell as Laborer to work in the Water & Sewer Department effective October 1, 2020 at a rate of pay of \$17.50 per hour. (JAF)

John Finch said last week, Councilwoman Legg, Councilman Diffendorf, myself, and Al Glover interviewed five people for the Laborer in the Water department. All five candidates were very good candidates, we had three that were in Kirkwood. We narrowed it down to those three and then to Tyler Harpell. We'd like to recommend him be hired as Laborer effective October 1st. After the discussion, all were in agreement to hire Tyler Harpell as Laborer for the Water and Sewer Department. We will need a resolution.

10. Discussion – 5G Network. (LCG)

Councilman Grubham said you all have a packet on 5G information. Mr. McKertich has been getting information together. This isn't the complete package yet, but it's something to start looking at. The City of Binghamton and Syracuse have passed this last month, where they have fees and a schedule. We are going to get that information to start thinking about it. The federal government will tell us the limit we can charge, we can't exceed that. Mr. McKertich said the State in the last two budgets the Governor has proposed is trying to remove all authority from municipalities regarding the 5G systems. Both times it didn't make it to final budget but that is in the works. Councilman Grubham said if we pass something and then the State passes then ours would be mute. Mr. McKertich said yes. Councilman Grubham said I think we should still pass something because it may never happen. The one at the bottom of Ostrum Road is a booster for cell service, not actually a 5G unit.

11. Discussion – Phone Policy. (LCG)

Councilman Grubham said I wanted to talk about this because I've been signing vouchers for phones and I don't know if we actually have a policy. We are paying for Ward Coe's phone and I don't know what's included in that. We seem to be paying the whole bill, is that what we are supposed to do? We are paying John

TOWN OF KIRKWOOD WORK SESSION

September 29, 2020

Finch \$100 a month for a phone, we are paying Chad Moran's phones, and Bill Tozer some money. Supervisor Kniffen said we had an unwritten policy because when I took this position there were a lot of cell phones out there. We got rid of those. If the Judges used it for Town business we would take care of it, but if they used it for personal calls they would have to take care of that. Councilman Weingartner said that hasn't been followed. We don't have any work with Tennessee with the Judges. Supervisor Kniffen said recently we realized that Ward Coe was using that again, so we put a stop to that. Councilman Grubham said I see it looks like we are paying the entire bill and I know for several months they weren't doing anything because the court was shutdown. Jeff Hawkes doesn't have one. Councilman Weingartner said the Town doesn't pay for his but he has his own. I don't think we should. Very few arraignments are taking place here past hours. If they do have an arraignment they get paid extra. Councilman Grubham said I think it needs to be addressed, it's tax payer money.

Councilman Grubham said let's talk about your \$100 a month phone bill to John Finch. John Finch said it's paid through Water and Sewer I believe. I use it for the alarms for the Water department, I'm on call all the time, Broome GIS, and emails. I answer emails right away. My phone is always on. It's a Verizon plan, it's about \$125-\$130 a month. I do pay for some of my own. I didn't want to have two phones. I had that before and it didn't work for me. Councilman Grubham said \$100 is a lot of data. John Finch said I have 8 gigs of data. Everyone has this number, it's on our website. Councilman Weingartner said it is what a regular cell phone would cost of you were going to pay for a single line. Councilman Grubham said I just wanted to bring it up so we have an idea of what everyone is doing with them. John Finch said Bill Tozer gets \$10-\$15 a month for his cell phone. It's for when I'm not available, or weekends, and answers emails. Councilman Diffendorf said it does sound like a lot of money, but I'm going by what others tell me. John Finch said I do not have unlimited data, that would be more expensive.

Discussion – Digging and Water Management

Councilwoman Legg said you all have a copy of the Digging and Water Management guidelines that Mr. McKertich drafted up for us. As a committee

TOWN OF KIRKWOOD WORK SESSION

September 29, 2020

we wanted to give guidance to landowners on the procedures they should take when digging. It will be put on our website. The Code department will get copies to hand out as well. Supervisor Kniffen said thank you to the committee and I appreciate everything you did. Dave Zeitz from the public said it's more of an awareness thing for me. The guidelines are on file in the Town Clerk's office.

Discussion – Youth Soccer Program and Covid

Councilman Weingartner said we had an issue with our youth soccer program. It's on hiatus for a week because of a secondary Covid case. Mr. McKertich wrote a statement that we posted online to make our residents aware. A copy of the statement is on file in the Town Clerk's office.

The County said we went way above and beyond what we were supposed to do. It is the contact tracer's job to contact anyone involved. We contacted Conklin and they kept their program going.

12. Audit of Claims.