

**TOWN OF KIRKWOOD
WORK SESSION**

May 26, 2009

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

Also Present: Herbert Kline, Town Attorney
Gayle Diffendorf, Town Clerk
Richard Jones, DPW Commissioner
Daniel Griffiths, Town Engineer

1. Frito Lay Stormwater Discharge. (GEK)

Tim Polman, Frito Lay Technology Manager, initiated discussion in regard to storm water going to the joint sewage facility in Vestal. He said that they do an annual environmental audit of the site of 14 stainless steel pans around their stacks which collect rain water. He explained that during the process of production some oil residual can drip down the outside of the stack which would end up on the roof and would go through the storm drain to the river so they added the pans around the stacks. Because of this infiltration that is going to the facility and prior to review by the Joint Sewage Board, Mr. Polman was told that the Town of Kirkwood and the City of Binghamton must review it since it goes through their lines. He said there are three containments and their calculations indicate that approximately 140,000 gallons a year are gathered and sent to the facility. He noted that over the last 8 years they have been very active in reducing their footprint on the environment and they have reduced their water usage by 120 million gallons. He added that the 140,000 gallons is only .1 % of their usage. It was noted that using an average rainfall, Frito Lay's calculations and Dan Griffith's calculations were very similar. Discussion followed as to how the drain works, how much oil is involved, how the pans are cleaned, etc.

In referring to the Town's Sewer Connection Ordinance, Mr. Kline noted that the facility made the Town put in specific requirements and he questioned how Frito Lay can meet some of those requirements. Mr. Polman said they have a special discharge permit with the facility because of the nature of their business; this allows a certain amount of grease for which they pay a surcharge. He said that the facility needs a waiver from the Town of the requirement in our Local Law allowing stormwater to enter the flow. Mr. Polman added that for 20+ years the rain water and oil went to the river and Frito Lay spent money to change that since they felt it was the right thing to do.

Mr. Kline explained that he will need a copy of Frito Lay's permit which allows them to discharge the grease and he will work that into a resolution authorizing a waiver under the Town's Local Law, specific to Frito Lay, subject to approval by the Joint Sewage Board, with a calculation to be done by the Town Engineer. He added that a public hearing will not be required. Mr. Polman suggested that a worse case rainfall could be used so that calculations would not be needed every year. Resolution for 6-2-09.

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2. Discussion – Park Development. (LCG)

Councilman Grubham explained that he would like to begin exploring use for the land purchased a few years ago next to Veterans River Park; possibly a nature trail but no major development. Suggestions for contacts were Haas Development, Marshall Ayres who helped develop a nature trail behind Donnelly School, Binghamton University, Cornell Forestry School or Syracuse University.

3. Resolution, on recommendation and approval of the Building Inspector, pursuant to section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue renewal license of the following mobile-home-trailer park, such license to be effective upon the expiration of the previous year, and to continue in force for a period expiring December 31, 2009:

Southern Tier Communities, LLC, 1794 US Route 11, Kirkwood, NY 13795
Owner: Robert Hartley

Resolution for 6-2-09

4. Proposed Summer Schedule for Work Sessions and Town Board Meetings: (GEK)

Resolution combining the June 30, 2009 Work Session and the July 7, 2009 Town Board Meeting into one night to be held July 7, 2009.

Resolution combining the July 28, 2009 Work Session and the August 4, 2009 Town Board Meeting into one night to be held August 4, 2009.

Resolution combining the August 25, 2009 Work Session and the September 1, 2009 Town Board Meeting into one night to be held September 1, 2009.

Resolution for 6-2-09.

5. 2009 Agreements as follows: (GEK)

ACHIEVE

Police Athletic League (PAL)

It was noted that \$2,700 is given to ACHIEVE and \$1,000 to PAL annually. Supervisor Kniffen reviewed the history of the contribution to PAL. Councilman Diffendorf noted a

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concern that all of Kirkwood is not aware of the PAL program. Supervisor Kniffen said that he will put it in the newsletter and on the Town's website. Resolution for 6-2-09.

6. 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 Town Clerk to issue a permit to the Kirkwood Town Fair, Inc., for the use of the entire Kirkwood Veterans River Park on August 6, 7, & 8, 2009 without any permit fee to guarantee proper clean up after each use.

Resolution for 6-2-09.

7. Discussion – Five Mile Point Addition Financing. (HAK)

Mr. Kline explained that Five Mile Point Fire Company is in the process of doing an \$850,000 renovation to the station at 16 Crescent Drive and they want the ability to get the tax free interest rates so they are scheduling a public hearing on June 15th and would like the Town Board to hold a public hearing and special meeting on June 16th to approve this. He said it will save them money and if it is not done at a special meeting their rate lock will have expired. Supervisor Kniffen noted that there will be no tax increase, since they are paying off some debt. Resolutions (2) for special meeting to follow this work session.

8. Discussion – Windsor Sewer Local Law. (HAK)

Mr. Kline explained that Windsor is drafting a Sewer Connection Local Law and there is a section that says any outside municipality would have to enact a sewer local law at least as strict as theirs. He said that although Kirkwood is connected to one of their sewer districts they have an intermunicipal agreement, so Windsor cannot impose upon Kirkwood something that is not in the agreement. He said this would affect any other municipality but not Kirkwood.

9. Discussion – Eastern Broome Broadband Development. (HAK)

Mr. Kline explained that at the last meeting the Town adopted a resolution authorizing Clarity Connect, a company chosen by a Broome County committee, to apply for a grant for rural internet service in areas of Windsor, Kirkwood and a small part of Conklin that currently have no service. He said since then another company it was learned that another company was interested without getting a grant so the County Attorney requested a generic resolution not naming a company, but in favor of the project. He said according to County Legislator, Marchie Diffendorf, in order for Clarity Connect to apply for the grant they have to be named specifically, so he will get back with the Board on the status of this by the 6-2-09 meeting.

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10. Applications to lease FEMA HMGP Buyout Property (RFW)

Joan Rea – 76 River Run Lane (Tax Map # 228.16-1-21)

Joan Rea – 78 River Run Lane (Tax Map # 228.16-1-22)

Ada Elwood – 49 Riverside Lane (Tax Map # 228.12-1-42)

Councilman Weingartner explained that there have been 3 more applications for buyout property. He said that two of them are from Mrs. Rea, which was discussed at the last meeting. He also noted that a number of the original applicants still cannot get the insurance, which is a requirement of the agreement. He said that an application has been received from Ada Elwood, a former resident of Bridge Street who has applied for 49 Riverside Lane and has asked for the installation of an electric pole. He noted that he has also received a request for a pole on Rt. 11 property across from the old state police barracks. Discussion determined that the Town is not interested in getting electric poles for the properties for various reasons.

11. Audit of Claims.

Resolution for 6-2-09.

Oil Water Separator.

Mr. Kline explained that the Board does not have to take action on 6-2-09 but if they intend to he needs some information. It was determined to leave the oil separators in the sections in the code pertaining to auto sales and construction equipment sales; remove in regard to site plan review. Councilman Grubham said the Town should follow DEC guidelines. Councilman Diffendorf expressed a concern that this is not a requirement in the aquifer district.

Location of July Meeting.

Supervisor Kniffen is planning on holding the July 7th Town Board work session and meeting at the fire station on Old State Road; permission has been given by the fire company. He said he will put this in the newsletter. Councilman Diffendorf questioned the need for this since Kirkwood is a small town. Supervisor Kniffen said that it is a rural area and geographically not at the center of the town where everything is going on. It was noted that children in that area attend the youth programs in Port Dickinson as opposed to Kirkwood programs. Supervisor Kniffen said that he feels it is a small token to include them in the community. Councilman Diffendorf noted a concern that the people at the south end of town might also feel disconnected since their children go to a different school district and aren't always informed of the youth programs in Kirkwood.

Racetrack

Councilwoman Yonchuk noted that an email was received from the Five Mile Point area about the racetrack, implying that the track is practicing on Saturday and racing on Sunday. It was noted that this was not the norm, that they did race recently on Sunday,

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but most all events are on Saturday evening. Mr. Jones noted that they only sweep the road on Sunday morning, after the race.