

**TOWN OF KIRKWOOD
WORK SESSION**

July 7, 2009

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

Also Present: Oliver Blaise III, Deputy Town Attorney
Gayle Diffendorf, Town Clerk
Richard Jones, DPW Commissioner

1. Time Warner Security for Highway Garage. (RJJ)

Supervisor Kniffen noted that the highway garage recently flooded again. He said that the Town is negotiating to purchase property on higher ground directly behind the current garage property. He added that in the meantime the office has been moved to the code building on Francis Street.

Mr. Jones presented two proposals for the security.

2. Discussion – Valley Park Pavilions. (RJJ)

Mr. Jones explained that one of the two pavilions at Valley Park was destroyed by the flood in 2006 and the other one needs to be replaced. He said that there is FEMA money to replace the one flooded in 2006, but money would need to be taken from the parks reserve fund to build the other one.

Councilman Grubham said that he has been taking notice of the pavilion still standing and he does not see it getting much use. Since there is money to pay for the one across from the highway garage he is not sure if it's worth approximately \$10,000 to build the other one at this time. Councilman Weingartner commented on the geographic setting on the remaining pavilion, noting there is not much green space with the park and ride lot right next to it. He said he feels the location is better to have one across the road so he would be in favor of building just that pavilion. It was noted that the pavilions at Veterans River Park are almost always booked during the summer but prior to 2006 when there were two pavilions at Valley Park, there were few times when both pavilions were in use at the same time. With the construction of a new pavilion across from the highway garage, there would be a total of 5 pavilions in all town parks. Everyone is in agreement to construct only one pavilion at this time; the one across from the highway garage. The other pavilion will be torn down.

**3. Hillside Drive Sewer Line Replacement –Advertise for Sealed Bids.
(RJJ)**

Mr. Jones explained that there is about 760 feet of sewer line that needs to be replaced. He said there are 4,613 units involved at a cost of \$9 per unit for 5 years. He added that

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this is ready to go to bid. It was noted that there is a small contingent amount included for unforeseen expenses. Resolution.

4. Barlow Road Bridge Culvert Replacement Project – Advertise for Sealed Bids. (RJJ)

Supervisor Kniffen explained that this culvert is on Barlow Road just before it meets Loughlin Road and has needed to be replaced for a long time. He said that this has been added to the federal stimulus package, noting that it is an approximately \$350,000 project. Mr. Jones said that everything is ready to go to bid, they are just waiting for the OK from the State. Resolution.

5. Discussion – Proposed Resolution Opposing Consolidation Bill 2009. (HAK)

Supervisor Kniffen explained that the NYS Legislature recently adopted a law that allows any citizen to petition for a vote on consolidation. He noted that some towns are submitting resolutions in opposition, but this has already been signed by the Governor. Councilman Weingartner said that it would appear that this takes away a lot of red tape and makes things easier if a municipality wants to consolidate or dissolve itself. He said that in the end it is still the public that has to vote on it. Councilman Weingartner and Councilwoman Yonchuk are opposed to this resolution which opposes the law. Councilman Grubham said that he is concerned with the cost involved and he is opposed as well. Councilman Diffendorf said that this is very new and there is no way to know enough about it. Councilwoman Yonchuk said that she agrees with the principle that the local unit of government can best speak for the local citizens, but she feels any law that empowers the citizens directly is the ultimate of democracy and she does not want to oppose a law that does that. Supervisor Kniffen said that he supports the resolution with the exception of paragraphs 3 and 4, which note that the law is not in the best interest of the residents and that consolidation could not or would not reduce the cost of government. He said there is no way to know if either one of those statements are true and he does not feel he or anyone else knows enough about consolidation. He said he would support the law with the changes he suggested, noting that he feels there could be problems with interpretation. Resolution.

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

James R. Hunsinger – 1156 US Route 11 (Tax Map # 178.02-1-12)

Timothy P. Syron – 52 Kirkwood Gardens Road (Tax Map # 211.14-1-42)

Supervisor Kniffen explained that this is a result of the 2006 flood after which FEMA and SEMO sponsored a property buyout program. He said that after the buyout and the structures were removed, the properties became green space. He added that the properties then became the property of the Town of Kirkwood and a request was received to lease the properties for recreational purposes. He noted that anyone leasing the property had to get insurance naming Kirkwood as an additional insured; this became a problem for some of the applicants since they could not get the insurance.

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Councilman Weingartner explained that on July 1st an email was received from Richard Lord of FEMA which said that the process must start over since they reviewed their regulations and changes have been made. He reviewed the past history of the process involved to get to this point. He explained that Mr. Geiger approached the Board nine months ago with a request to lease property. Councilman Weingartner noted that at that time a Waterfront Revitalization Program was underway and Mr. Lake advised that they wait to see where that led, but nothing ever came of it. He reviewed a timeline of everything that has transpired since January of 2009 when a model lease was drawn by Mr. Kline and sent to FEMA, noting that FEMA was contacted numerous times for a response to the lease. He explained that in the meantime the insurance issue was addressed and resolved by the committee. Councilman Weingartner said that he is very angry that FEMA has not cooperated and through no fault of the Town of Kirkwood the process must start all over again. Again referring to the July 1st email from FEMA, Councilman Weingartner said that they noted that there were changes in regulations that SEMO had not dealt with before which added additional requirements, which he reviewed. He said that they put in a lot of hard work on this project and thanks to FEMA this will not now be done until the fall. He noted that everyone will be notified and that in the meantime the Town will keep the properties maintained and that anyone who has obtained insurance will be advised to cancel it since they are paying for something they don't need at this time.

Councilman Weingartner noted that the Hunsinger application is new and the Syron application is a transfer from Matt Colosi, who could not get the required insurance.

A reference was made to a letter received from Ada Elwood, to which Supervisor Kniffen will respond.

7. Discussion – Recommendation from Planning Board – Proposed Local Law for Wind Turbines – Schedule Public Hearing. (HAK)
Mr. Blaise explained that this is a recommendation from the Planning Board limiting where wind turbines can be placed, specifically not in more populated residential areas. Resolution to schedule public hearing.

8. Resolution Honoring Francis E. Grubham of Kirkwood, NY, in accordance with the attached resolution. (GEK)
Resolution.

9. Agreement – 2009 Arts & Crafts Program – Lauren Verrocchio. (GEK)
Resolution.

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10. Report on Wilson Article 78 Proceeding. (ONB)

Mr. Blaise explained that an application was filed with the ZBA by Mrs. Wilson for a zoning variance regarding training dogs on her property and the ZBA denied the application, noting that the proposed use was too close to the operation a kennel which is prohibited under town law. Mrs. Wilson has filed a petition in Supreme Court for the court to order the Town to grant the application for a zoning variance. He said that he and Mr. Kline are preparing papers to dismiss the action.

11. Audit of Claims.

Resolution.