

**TOWN OF KIRKWOOD
WORK SESSION**

July 6, 2010

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

1. Open Sealed Bids – Universal Pump Station

Supervisor Kniffen noted that the bid opening was held at 4:00 today for the replacement of the pump station for Highland Heights. 6 bids were received with the highest bid at \$292,000 and the lowest at \$176,273, which was lower than estimated. He noted that there are 329 units which will bear the cost of this project and they are looking to spread the financing over as many years as possible to keep the price down. Jim Smith, Budget Director, provided a sheet showing 3 scenarios for total project cost to be financed from \$200,000 down to \$150,000 using interest rates of 3.5% and 4.0% for 5-year financing up to 10-year financing. Although the lowest bid was \$176,273, with the addition of engineering and legal costs, the total cost to be financed will most likely be about \$200,000. Discussion involving interest, BANs, etc. Mr. Kline explained the process that must be completed within 45 days, which is the length of time the bidders have to hold their bid on the project. A public hearing must be scheduled to approve the project and award the bid and a bonding resolution will be required. A public hearing and special meeting will be required to meet the 45-day deadline. Resolutions to schedule a public hearing and special meeting on July 20, 2010.

In response to Councilman Diffendorf, it was noted that the pump station would have to be either repaired or replaced. The engineer's estimate to repair it would be \$30,000 or less but the tank would not be replaced, only patched, and there is no estimate on what the life would be.

2. Discussion – Temporary Portable Storage Containers. (LCG)

Councilman Grubham reported that this has been held per his request and after Planning Board review, he still has a concern that it reads that a temporary storage container may be permitted for a period of up to 12 months or so long as there is a valid building permit. He said it would not be known when the container was put on the property unless some kind of a permit is required, even if at no cost. There is also a concern that when the 12 months are up someone could take it away for a day and bring it back and 12 months would start again. Possibly it should read that the container would have to be removed for a period of 2 months or something like that. He feels the rest of the wording is fine and the Planning Board did a good job with it. Question as to whether containers that are already there would be grandfathered in. A concern was also noted that if containers are

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allowed to remain for an undetermined length of time it affects the value of neighboring property. Mr. Kline will draft a local law for review at the August meeting.

Supervisor Kniffen mentioned that currently there is a concern regarding campers. The ordinance currently reads that they can be there for 180 days, but could be removed for a half day and brought back with the clock restarting on another 180 days. Currently no permit is required. This pertains to campers that people are living in. There is an ongoing problem in Kirkwood Gardens. Marchie Diffendorf, Chairman of the Planning Board, suggested limiting it to 180 days in a calendar year. Councilwoman Yonchuk said that it would still be a question of enforcing since it wouldn't be known when the 180 days began. Councilman Grubham said that if this is going to be tracked a permit should be required. The Planning Board will review and make a recommendation to the Town Board.

3. Discussion – Memorandum of Understanding for Intermunicipal Cooperation in Regard to the Broome County County-Wide Code Enforcement Office Feasibility Study.

Supervisor Kniffen explained that Broome County and Kirkwood co-sponsored an application for a grant to study consolidation of code departments throughout the County, at no cost to Kirkwood. The grant has been received and proposals have been received to do the study. Each municipality has been requested to sign a MOU. There was a question as to whether there would be a sufficient number of towns that would want to consolidate. This is just the study phase so the Board will just wait and see what happens with that. Resolution.

4. Order Calling Public Hearing on July 20, 2010 at 6:00 PM in the Matter of the Increase and Improvement of Facilities of Extensions Two, Three and Four of Sewer District No. 1 and Sewer District No. 6., (Stratmill Road Pump Station) in the County of Broome, New York, pursuant to section 202-b of the Town Law. (HAK)

The Notice of Public Hearing along with a cover letter will be sent by the Town Clerk to property owners in the sewer districts. Dick Jones will supply the names and addresses. Dick said that he thinks there are 25 acres in the area that still can be developed between Highland Heights I and Loughlin Road. Mr. Kline mentioned that NYSDOT is in this district and they should be notified about the hearing as well. Mr. Kline noted that Hawk should review the bids as soon as possible to determine if the low bid is acceptable. Dick Jones will contact Hawk to get that review done tomorrow. Resolution to schedule public hearing.

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5. Discussion – Tire Drop Off Days – September 11, 2010 and September 25, 2010. (RJJ)

Mr. Jones explained that these dates are for the annual tire drop off days when the community can drop off tires which are then taken up to the landfill by the highway department, at no charge to the Town. Councilman Diffendorf questioned a voucher for about \$500 submitted in the audit for tires recently taken to the landfill. Dick said that they have to pay \$1 for each tire and he wanted to get rid of them because of mosquitoes. He said that for the annual drop off they usually get about 1500 tires or more and he does not know where all the tires recently taken to the landfill came from. He said they try to catch everyone that comes in. Councilman Grubham said that he pays to have tires taken away and he does not understand this cost, why the Town pays for it and he does not understand why people are dropping off tires when it is not the scheduled time. Dick said that they drop them off with brush and everything else. Councilman Grubham said that this should be looked at for a better way to control the situation, if possible.

6. Discussion – 2011 Snow and Ice Removal for Broome County. (RJJ)

Mr. Jones explained that last year the Town got \$3,700 per center lane mile and Broome County is proposing to cut it down to \$3,333 per lane mile for 2011. He said that at that rate if we have a hard winter we'll be doing the County a favor by plowing the roads; there would be a loss. He said that the Town Boards of Windsor and Colesville rejected the County's offer. It was noted that this happened a couple of years ago and the Towns rejected it at that time so the County came back with another offer. The Town might not even make out very well at \$3,700, depending on how hard the winter is. Trim Street will be removed under the new contract.

7. Discussion – Windsor and Kirkwood Sewer Districts – Cost Increase Proceedings. Order scheduling public hearing on August 3, 2010 at 6:05 PM in the Matter of the Increase of Maximum Cost of Fairview Sewer District, in the Town of Kirkwood, County of Broome, New York, Pursuant to Article 12A of the Town Law. (HAK)

Mr. Kline explained the Fairview Sewer District is a Windsor district that Kirkwood has piggy backed on. They are well along in the project but they have a cost overrun and have to apply for more money. They are trying to get a grant rather than a loan, but at this point they don't know if that is going to happen. Windsor will be holding a public hearing next month in regard to increasing the cost of the project by about \$400,000. Kirkwood has to piggy back on that because Kirkwood people pay the same amount that the Windsor people pay. Kirkwood must have a public hearing in August. Since Kirkwood has nothing to do with the project he has asked for either the Windsor Supervisor or their engineer to attend Kirkwood's public hearing. Mr. Kline feels Windsor will most likely hold their public hearing on August 4th, and since Kirkwood's next meeting date is August 3rd, it was mentioned that Kirkwood's hearing should be after Windsor's since the Windsor meeting is the one Kirkwood people should attend to

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get the answers they need. Kirkwood does not have the answers since it is not a Kirkwood project. In regard to some of the costs involved to the typical homeowner, Mr. Kline explained that one is the removal of their old septic system and a second cost is for running the line to their house. He said that the numbers are still up in the air, that Windsor has changed them numerous times just today. Since a special meeting will be held on July 20th a resolution will be on the agenda for that meeting to schedule a public hearing later in August.

8. Discussion – Committee to study FEMA flood maps. (GEK)
Supervisor Kniffen explained that all municipalities involved have to approve the flood maps by next April and in order to do that a committee should review the maps and make recommendations to the Town Board. Committee: Dan Griffiths, Town Engineer and Councilman Diffendorf.

9. Senior Picnic is scheduled for Wednesday, August 4th at Veterans River Park at 12 noon. (GEK)

Councilwoman Yonchuk noted that the Historical Society is holding their annual Ice Cream Social on Tuesday, July 13th.

10. Discussion – Intermunicipal Agreement Re Providing Cooperative Dog Control Services with Town of Conklin. (GEK)

Supervisor Kniffen said a written agreement was never finalized in regard to dog control services with Conklin but that a verbal agreement is being exercised. Resolution.

11. Discussion – Highland Heights Water Tank Demolition. (RJJ)

Hold per RJJ.

12. Discussion – New Fireworks State Law. (HAK)

Brady Beagel, a Summer Associate with Coughlin & Gerhart, explained the new fireworks state law. He said that the major change is that prior to 2009 a fireworks display could only be held if it were for the public. Now individuals can have their own fireworks display, with a fireworks company. He said that there are also some new safety requirements, the new law requires state pyrotechnician certification for the person who operates the fireworks display, as well as requirements for assistants. The new law also increases the bond or insurance attached to the permit from \$5,000 to \$1 million. Brady is working on a new application and permit form for Town use. Mr. Kline added that the company hired is part of the information on the application as well as signatures from the Sheriff and the Chief of the local fire department. It was noted that the only affect this would have on the fireworks display for the town fair is that whoever is hired to put on the display would be required to have state certification. Brady said that the new regulations come from a code created by the National Fire Protection Association,

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whereas before regulations were just listed in the statute itself, which was outdated. It was noted that there is no permit fee at this time, subject to review.

13. Discussion – Sewer Consortium. (GEK)
Hold per GEK.

14. Standard Workday & Reporting Resolution. (GEK)
Mr. Kline explained that there are new reporting requirements for people in the retirement system that do not punch a time card, to become effective as each person is reelected or reappointed. At this time the only two people involved in Kirkwood are Jim Smith and Cyndi French. Jim has submitted his log of hours and based upon that log the Board will have to set his standard workday. The minimum workday has to be at least 6 hours, even though Jim's actual workday, based upon the number of hours he worked for the 3 months, came out to about 3 ½ hours. Based on that, the number of days per month that Jim will get credit for were calculated. Resolution for Jim tonight. Cyndi's hours will be addressed when she submits her log. Mr. Kline explained that after adopted, a certified copy will be sent to the State Comptroller, it must be posted on the Town's signboard as well as on the Town's website.

15. Audit of Claims.
Councilman Diffendorf questioned when it was decided to do maintenance and improvements to Maple Drive and what they would be. Mr. Kline explained that Mr. Gorick was to provide the materials and the Town would do some of the equipment work to restore the roadway. Mr. Jones added that he was to then put some recycled blacktop on it to make it a hard surface so that the restored bed would not be lost. Councilman Diffendorf said he didn't realize this would be done at this time since there is only one house located there. He questioned if a subdivision plan was submitted to the Code Department, because it is his understanding that before the Town was to do any work on the road, Mr. Gorick was to submit that plan. According to Marchie Diffendorf, Chairman of the Planning Board, he said that he thinks the subdivision plan that was used was from about 1991. There was a question as to whether Mr. Gorick was to resubmit it since the number of lots changed. Marchie said that no subdivision plan has been submitted for review by the Planning Board in regard to that project in the last 2 years. Councilman Diffendorf said that he is confused about this and questioned that the gravel put in under the recycled blacktop is not up to Town specs. He is concerned that if this is not done right and there is a problem in the future it falls back on the Town. Supervisor Kniffen said that it was his recollection that Mr. Gorick was to resubmit another subdivision plan and then the Town would take care of the road. He will check into this. Mr. Jones said that the plan is to chip the road sometime this summer.