

**TOWN OF KIRKWOOD  
WORK SESSION**

**November 30, 2010**

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

Absent: Councilman Robert Weingartner

Also Present: Herbert Kline, Town Attorney  
Gayle Diffendorf, Town Clerk  
Richard Jones, DPW Commissioner  
James Smith, Budget Officer

1. Discussion – Resolution of the Town Board of the Town of Kirkwood Regarding the Regulatory Proposal of the EPA Relating to the Chesapeake Bay. (GEK)

Supervisor Kniffen explained that this involves EPA demanding that the water be treated with chemicals and will cost billions of dollars. He said DEC is resisting it. This proposed resolution requests that our representatives delay it for an in-depth review.

2. Discussion – Grand Vail Agreement. (GEK)

Supervisor Kniffen reported that there was a good turnout for the November 23<sup>rd</sup> meeting held by the post office with 7 representatives present. He noted that there was major concern in the room about losing the post office and some options were presented to keep them in the building they are currently located in. They are giving this serious consideration. A letter was sent to Kirkwood residents stating that they will be closing temporarily at the end of December but the hope is to stop that since once it's closed it will be hard to get it reopened.

3. Discussion – Broome County Empire Zone Cash Contribution for 2011. (GEK)

Supervisor Kniffen explained that the EDZ is going out of business but they still have some unfinished business and they have asked Kirkwood, Union and Binghamton to pay \$5,000. He noted a concern that Kirkwood would be paying an equal amount when in the past that wasn't the case, but it was pointed out to him that the last year Kirkwood did pay an equal amount. A concern was also brought to EDZ's attention that Conklin benefited from business from the EDZ without contributing. He was informed that if the towns pay this they hope to get grant money to pay the salary of Margaret who is the deputy until they can close it out. He noted to EDZ that Kirkwood might be willing to pay for one year but not beyond that. Councilman Diffendorf stated that he is not in favor of this since Kirkwood has given them a lot of money over the years with not much of a return. He said that Willow Run benefited from it but they were coming to

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Kirkwood before EDZ was involved and the last two big projects were in Conklin. Resolution for 12-7-10.

4. Discussion – Broome County Industrial Development Agency  
Economic Development Fund Guidelines. (GEK)

Supervisor Kniffen explained that this involves the Millennium gas line project. Millennium gave IDA of each of the counties that the pipeline ran through \$100,000 a year over a ten-year period. He said that Kirkwood, Windsor and Sanford feel that the money should come directly to the municipalities that gave the PILOTS and gave up some tax money. Originally IDA was going to pay off a loan to Broome County that IDA borrowed for the industrial park in Conklin. After meeting with IDA they decided not to use the money for that but to use it for economic development, but not just in the pipeline municipalities, but all of Broome County. Guidelines were presented to the State Comptroller who said that it was just for IDA projects and not for the towns. The three towns met with IDA again and it was suggested that they go to Millennium and request that whatever years are left, give the money to the towns directly. Dewey Decker, Supervisor of the Town of Sanford, met with them and they said if it was just one county they might consider it but there are too many counties involved. At this point the request has been made to IDA to turn future money over to the towns.

5. Discussion – Dog Control – Enumeration. (GEK)

Supervisor Kniffen explained that it is difficult to get an enumeration done and that he has spoken to Conklin and Dickinson who have basically given up on it, adding that everyone is frustrated with NYS in regard to dog licensing as well. He said that at this point if an enumeration gets done fine, but it does not it is not a concern. Mr. Kline said that years ago high school or college kids were hired to do an enumeration and they didn't do a bad job and were paid per dog counted. Supervisor Kniffen said that the last few times it was done that way in Kirkwood it wasn't done well. He added that when the dog control officer was hired she was not given additional salary to do the enumeration. The Town Clerk stated that 91 dog enumeration slips were turned in today and of those she found that about one-third are not licensed. A resident noted that there should be a large fine for anyone found with an unlicensed dog since people should be responsible enough to license them and if they don't they probably aren't responsible enough to get them their rabies vaccination. It was noted that this is hard to follow up on since the Town is not able to get a good enumeration. Mr. Kline said that if a dog is found not to be licensed, the dog control officer can issue the owner a ticket for town court, noting that this is currently in the state law. A concern was also noted that if a dog were to bite someone and wasn't licensed so there was no control over whether it had a rabies vaccination what the liability might be. Mr. Kline said that there is no liability to the Town for failure to enumerate. Councilman Diffendorf added that it is hard for anyone to conduct a comprehensive enumeration because there is so much hostility out there and people won't talk to someone that comes to their door, they slam doors and lie, etc. and it

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is a thankless job. An enumeration may never get done because of the way people treat other people.

**6. Discussion – Road Use Law. (HAK)**

Since Bob Kiberd, Code Enforcement Officer, was not present, Mr. Kline requested that this be held.

**7. Discussion – Bell School Drainage. (D. Griffiths)**

Dan Griffiths, Town Engineer, reported that there are basically two options, one is an overflow spillway design or a DEC approved drop inlet into the closed cold storm system which is what he recommended. He said according to the school his option was not DEC approved. After he contacted DEC they will look at it and get it accepted. He said that his recommendation is still the same, a DEC approved closed storm system that goes across the road. He said that right now it looks like existing numbers meet proposed, but there still is a pipe that is perpendicular to a road. If there is a situation where snow is plowed and everything starts filling and freezing and a gusher comes off the hill it will be right on the road. The school wants to stop at the end of their property and let Kirkwood finish it across the road. Such a big pipe was put in to handle even a 100 year storm event, but then a concern was noted that in case of such a large storm, where would all the water go. It was also noted that school buses travel that road every day. Dan said if they agree to the closed cold storm system a survey would be required as well as check valves for other houses so that it doesn't back up into the homes.

**8. Discussion – Refer to Planning Board – Metalico Aluminum Recovery, Inc., - Request for Change in Zoning. (HAK)**

Mr. Kline explained that a letter was received from Metalico in regard to their request to amend the Zoning Ordinance regarding the proposed operation that they have in mind. He noted that Mr. Pope is present representing Metalico. He said that according to the Zoning Ordinance the Town Board can refer this request over to the Planning Board. Councilman Diffendorf said that he is not in favor of changing the zoning because he does not see any reason to expand that type of business in that particular area. Supervisor Kniffen said that his wish is that it would all be gone with it reverting to environmentally safe land but since that isn't the case he feels it will be an opportunity to control this non-conforming use, that they will have to work with the Town and clean it up. Councilman Diffendorf said that it has been cleaned up some. Mr. Newberry said that there are numerous improvements. Councilwoman Yonchuk said that the difference in how it looks now compared to five years ago is amazing but she agrees that this will give the Town an opportunity for control and additional improvement to the property. Councilman Diffendorf said that this is a way for them to expand the area and they are not going to stay in the same confined area; they are going to expand their use and it is not known how far they will expand if the zoning is changed. He noted a concern stating that they are a fairly big company and he doesn't think they will stay in just that one

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small area. He noted that there are two recycling businesses in town that do an excellent job and are great neighbors and good for the community and he thinks the Town has done it's share. He added that there is supposed to be a super fund available for environmental fixes on properties and there are properties on Upper Court Street in the same situation, some of which have been abandoned and the buildings recently torn down when an environmental problem in the ground is involved. Councilman Grubham felt it should be referred to the Planning Board. Resolution for 12-7-10.

9. Resolution acknowledging an internal audit was conducted by the Budget Officer for 2009 covering the Justice Court. (GEK)

Mr. Smith explained that it is a formality to put this in the form of a report. He said that the one area that needs improvement is the bail tracking for one of the justices. There is a technique now that can be done on computer software and it is currently working fine for the other justice. He will follow up on this. He reported that in terms of volume, the fine account line is down a little over 9% over 2008. He explained how they look at this and would like to have a sample drawn from records from the State of all the troopers out on the roads and get access to the trooper data base to make a selection from and look for a particular ticket process through the year. He has not had success at this point. He said this is basically changing from manually tracking to computerized.

10. Audit of Claims.

Resolution for 12-7-10.

10A. Truck Traffic.

Supervisor Kniffen addressed a past concern with trucks making wrong turns and when they turn around they do damage. He said DOT originally said they would put up signs but now say they cannot put up signs for private industry. He noted to Len Bassos of Willow Run that DOT said businesses like Willow Run could request a permit from them and put up signs so that trucks would know where to go. Len said that he spoke to DOT as well and the biggest problems are with Dorfab, whose name has changed, and Penguin whose street is very poorly marked. He said that the deliveries that are coming into their facility are coming from their vendors with the same drivers on a frequent basis, they are not over the road drivers. They will look into signage but he contacted Dorfab and Schneiders and they are not interested. He added that they are constantly shooing away other trucks that are not associated with their company that idle on the lower road to their property near the railroad tracks and they have to clean up their litter as well. Since the railroad owns part of the property is hard to take care of that particular truck issue. He said if there is anything they can do to help they will be glad to do it.

11. Executive Session.

Councilman Diffendorf moved to adopt resolution to conduct an Executive Session pursuant to Section 105 paragraph f of the Public Officers Law to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters

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leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and Section 105 paragraph d of the Public Officers Law to discuss proposed, pending or current litigation. Councilman Grubham seconded.

Roll Call Vote:	Councilman Grubham	- yes
	Councilwoman Yonchuk	- yes
	Councilman Diffendorf	- yes
	Supervisor Kniffen	- yes

**MOTION CARRIED.**