

**TOWN OF KIRKWOOD
WORK SESSION**

April 26, 2011

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
Raymond Coolbaugh, Deputy DPW Commissioner
Marchie Diffendorf, BC Legislator & Planning Board Chairman
Duane Travis, Zoning Board of Appeals Chairman

1. Update – Water Valves. (RJJ)

Nothing new to report at this time per John Finch.

2. Discussion – Standard Work Day and Reporting Resolution for Dog Control Officer.

After reviewing the log submitted from the Dog Control Officer in regard to hours reported to be submitted for credit to the Retirement System, Mr. Kline said that since it exceeds the hours that she is supposed to be working it will be discussed further in an Executive Session.

3. Discussion – Corporate Drive Water Valve Replacement. (J. Finch)

John Finch reported that there are two options for replacing the valve. The first cost analysis is for doing the work on the weekend which involves cutting out a section of pipe along with the valve and putting a new valve in. This requires shutting down the whole line from down below L3 Communications up to and past Triple Cities Metal Finishing. He noted that they can't shut Triple Cities down during the week because they run three shifts and lately they are running Saturday as well. They originally planned this for a Saturday to accommodate them due to the fact that they use a tremendous amount of water. The first quote of \$7634.03 includes all the labor, materials with the new valve and pipe, the complete job.

The second option involves putting a new valve in place while leaving the water line turned on. That would consist of having the valve installed by Jones Specialty Service Group. The Town would dig the hole, expose the valve that is leaking, and about two feet beyond that they would put a valve in right next to the one that is leaking, taking about one to two hours. The water main would not have to be shut down, which means Triple Cities would still be in operation and it could be done during the regular business day. There would be no overtime involved. Once the new valve is in place they would work on the old valve, hoping that it is just a packing issue. This quote is for \$7790.40 and includes a new valve and all materials, including blacktop.

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Mr. Kline explained that it would have to be determined if the proposal includes the prevailing wage rate from Jones and a written proposal must be submitted. He said that another option would for it to be done under the supervisor of the Commissioner of Public Works with the Town hiring the equipment and operator to do the project. John said that the Town will be doing the excavation and putting in the blacktop under the second option. It was noted that the cost of the valve is \$6400 installed. John said the Town will be supervising the project. Since it could be done during a normal workday John said that he is in favor of the second option.

Councilman Diffendorf noted a concern as to whether the Town would be doing all of the excavation because he said recently Poe did a job on Melody Lane and it was determined that Vacri Construction did the work on the hydrant in Riverside. He said that is a perfect example where the Town Water Department could have made a repair, especially the hydrant, but instead outside sources were hired. He said that the Town has to start doing these projects in house or he questioned the need for so many employees.

John Finch said it was paid for by an insurance company and he was reading meters at the time, Randy was at a PERMA conference and Al was on the job with the contractor. If there was a problem with the valve Al would have needed additional help and there was no one in the Water Department to assist him at the time. Councilman Diffendorf suggested that John could have stopped reading meters to do this job since the hydrant broke about two weeks ago. John said they were waiting for the state troopers to get the information from the insurance company. Since it sat there that long Councilman Diffendorf questioned if it couldn't wait until there was Water Department personnel available to do the job. He said that since the Town has the equipment he strongly feels a lot of this work could be done in house and there was the opportunity to do this on a side street that has very little traffic, noting it cost \$900 to pay a private contractor.

In regard to the valve project now before them, Councilman Diffendorf said he would go along with John's recommendation.

Councilman Grubham said that he is in favor of going with the Jones option. It would be a good time to find out how it works and it may help out later on for situations like this. Councilman Diffendorf said he agrees. Mr. Kline said that he needs a written proposal from Jones for the second option. Resolution for 5-3-11.

**4. Discussion – Water erosion and damage from water runoff from
Kutalek Road onto 67 Sullivan Road. (RJJ)**

Supervisor Kniffen explained that this is in regard to a letter received from Mr. Gabriel about an issue that has been going on since 2006. Dick Jones has looked at it and made some remedies but now Mr. Gabriel wants the Town to do something. Councilmen Grubham and Diffendorf checked out the area. Councilman Diffendorf said that he doesn't see what the Town can do, the water comes down across as it always has. He

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said that it used to run down a bigger creek to the right but apparently Mr. Gabriel wants it to go the other way. He said the Town has done what he asked and he doesn't think there is anything more they can do. Councilman Grubham agreed saying that he is not in favor of doing anything further. Mr. Kline explained that by sending the letter, Mr. Gabriel has put the Town on notice so that if there were future damage caused to his property it would give him the right to bring a claim against the Town. He said that he is not sure of the particulars in this instance but if the Town did not do anything to increase the flow then there is no liability. Since there is the potential for litigation this will be discussed further in an Executive Session.

5. Discussion – Price quote for repair of a motor from main sewer station. (J. Finch)

John Finch presented a quote from Pump Service and Supply for the repair of the motor at the main sewer station that was damaged by being submerged during the flood. It was tested and is inoperable. In the meantime a new motor was purchased to replace it. If the motor can be repaired it will be used as a backup at the main sewer station. It will fit on all four pumps. A new pump would cost \$7400. Resolution for 5-3-11.

6. Discussion – Well Capacity Feasibility Study. (J. Finch)

John Finch said that he spoke with Town Engineer Dan Griffith about this study, but since it is not Dan's specialty he referred John to Geo-Science Engineering Co. who has done studies like this before with other municipalities. Geo submitted a proposal for an extensive study on the wells to ensure that if water is sold out of the other well what impact it would have on the system, that it would not be detrimental. The cost of the study is \$20,875. Councilman Grubham said that the reason this was being discussed was because the gas companies may want to buy water. He suggested that if it ever gets to that point, if they want to buy water, they can pay to have the study done. Councilman Diffendorf agreed saying that at this point gas companies are taking millions of gallons of water out of the river.

7. Discussion – Resolution Requesting that the Broome County Legislature Revise the Sales Tax Sharing Formula to the Formula in Effect Prior to 2011. (HAK)

Held.

8. Discussion – Town of Kirkwood Sick Leave Donation Policy. (HAK)

Mr. Kline explained that Paul Sweeney redrafted the policy. He said that Mr. Sweeney tried to make it more acceptable and ensure that it would not be in violation of any federal or state laws. It is completely voluntary on the part of the employees with no identification. It has also been cleaned up so that it will pass muster from a labor point of view. Councilman Weingartner said that he thinks it's a good idea to have this in place

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so that if it does come up in the future there will be a policy. For review and discussion on 5-3-11.

9. Budget Transfers.

No discussion. Resolution for 5-3-11.

10. Audit of Claims.

Councilman Grubham explained that last month Councilman Diffendorf requested that a bill be held for screens for Poe's Excavation because he was upset that the Town was buying and giving screens for Poe's screening plant which were damaged by the Town. He noted that Poe is a friend of his and a taxpayer of Kirkwood. The Town asked for that screen to be brought down here and the Town damaged it and he feels the Town should be paying for it. He said that he did not like the way it was done either, because the Town should not be buying something for someone and giving it to them. He said that in his opinion Poe should have billed the Town for it. He added that he knows Poe to be an honest guy and since the Town was at fault Poe should be paid for the damages. He noted that there should always be a paper trail. Councilman Grubham said that he explained this to Poe, that he should bill the Town for this, which he has now done. He also noted that Poe said there were things there were damaged that he did not charge for. Councilman Grubham referred to another instance where apparently Poe was hauling sand from Springsteen's pit to the Kirkwood Highway Department and the Town was putting gas in his truck. In reviewing the bills from Poe, Councilman Grubham said Poe took \$15 an hour off his normal truck price to compensate for the fuel, so he didn't get something for nothing. It still is not the way this should be done, there should be no trading, with any contractor.

In referring to the screens, Councilman Diffendorf said that he is confused about why the Town bought 2-inch screens which are more expensive than the ones that were damaged. Councilman Grubham said that Poe did not ask for them, its what the Town bought and gave to him and they are now in his machine. He added that Poe did not charge any labor to do all the work. Since the screens are in the machine it would be expensive to take them out. Councilman Grubham said he feels the Town should be more careful how these things are handled because in this instance it made Poe look bad.

Mr. Kline said that the Town requires an agreement with anyone when their equipment is being rented. It's needed for a paper trail when there is an audit by the State Comptroller.

Councilman Diffendorf said that he agrees that the bill should now be processed but he feels it is unfortunate this happened, starting with the sand purchase.

Other:

Supervisor Kniffen introduced John Rudy who is filling in for Bob Kiberd.

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Marchie Diffendorf noted to Supervisor Kniffen that a head count is required for him to schedule a rig tour with Chesapeake.

11. Executive Session.

Councilwoman Yonchuk moved to adjourn this meeting 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 leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Councilman Diffendorf seconded.

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

MOTION CARRIED.