

**TOWN OF KIRKWOOD
WORK SESSION**

October 25, 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, DPW Commissioner
John Rudy, Code Enforcement Officer
Marchie Diffendorf, BC Legislator & Planning Bd. Chairman

1. Discussion – Water Valves Update. (RJC)
No report.

2. Discussion – To Amend the Permitted Uses of an Industrial
Development District – Jody Flagg – 27 Link Drive – Add Day Care
Facilities. (GEK)

Mr. Kline explained that Jody Flagg would like to add Day Care Facilities to the permitted uses in an ID District. They were grandfathered in at one time but left and now want to go back there so the use would have to be changed. This is next to the Fed Ex building. To the Planning Board for their recommendation.

3. Resolution ratifying a resolution scheduling a Public Hearing for
October 25, 2011 at 6:00 pm regarding an amendment to Outdoor
Wood Burning Wood Boilers Local Law. (HAK)
Resolution.

4. Resolution Adopting Annual Budget for 2012, in accordance with the
attached resolution. (GEK)
Resolution.

5. Discussion – Public Hearing for Year 2012 Water and Sewer Rolls.
(GEK/HAK)

Mr. Kline reported that the final edits were given to Broom County and they will be ready tomorrow. He has not received the budgets from Jim Smith. Resolution to schedule public hearing for 11/29/11 at 6:05.

**TOWN OF KIRKWOOD
WORK SESSION**

October 25, 2011

6. Resolution scheduling a Public Hearing for November 29, 2011 at 6:00 PM on the Year 2012 Fire Contracts. (GEK)

Resolution.

7. Discussion – Request for Change in Zoning – Roger Boumrad – 635 Upper Court Street – B2 to B3 to Allow the Sale of Automobiles – Recommendation from Planning Board to Disapprove. (GEK)

This will be put on the agenda for 11/1/11 that a public hearing will not be held.

8. Discussion – Changes to Agreement for the Expenditure of Highway Moneys. (RJC)

As a change from the Agreement Ray Coolbaugh submitted last month, he said that he now only wants to pave Haskins Rd. and will use CHIPS funds. CHIPS money can also be used to purchase equipment and sluice pipes, etc. He is trying to get prices on a flail mower and a reach mower since the mowers are worn out and constantly need repair. One flail mower quote was for \$6,500 and no quote received on the reach mower. They have until February to use the money. Additional discussion about paving, chipping, etc. The plan is to pave Haskins this year and next year chip other roads. He will check all roads to evaluate the condition of all crossover pipes. Resolution.

9. Flood Remediation Work – Suburban Septic & Excavating Service, Inc. (RJC)

This is for an excavator and other equipment used for flood work. Resolution.

Short discussion initiated by Councilwoman Yonchuk involving flood remediation for creek work.

10. Discussion – Edmunds & Associates Agreements:
2012 Hardware & System Software Support Agreement
2012 Annual Software Support Agreement (GEK)

This is for bookkeeping software. Resolution.

11. Discussion – Letter to NYS Department of Health – Statement of Authority to Provide Public EMS. (HAK)

Mr. Kline explained that Supervisor Kniffen received a letter from Steve Brown, Chief of the Kirkwood Fire Co. stating that he received a communication from the Dept. of Health in regard to bringing their records up to date for emergency services and that in the past Kirkwood Fire Co. had sent people to the scene of an accident to try and help. They included a proposed letter for the Supervisor to sign. Mr. Kline said there are two sections in the Public Health Law that deal with people who do good deeds at scenes of accidents. One involves individuals who help, they are protected from liability. The

**TOWN OF KIRKWOOD
WORK SESSION**

October 25, 2011

other section deals with organizations like fire companies and the language says: Immunity From Liability. A voluntary ambulance service (Kirkwood does not have one) or voluntary advanced life support first response service and any member thereof who is a certified first responder and emergency medical technician and advanced emergency medical technician or a person acting under the direction of an emergency medical technician or advanced emergency medical technician is protected. Mr. Kline added this to the resolution for approval but Steve said advanced must be removed because the Kirkwood Fire Company does not have advanced emergency medical technicians, only basic. There is a concern that the Kirkwood Fire Company responders are not protected from liability. Mr. Kline sent an email to Albany asking if the language can be changed to basic and still be protected from liability. Councilwoman Yonchuk questioned if emergency medical technician didn't mean basic but Mr. Kline said that this would require a certain certification and the responders may only be first aid certified as noted by Councilman Weingartner. Councilman Diffendorf noted a concern when a regular fireman shows up first on the scene and is stabilizing a person without an EMS there. Mr. Kline said that may come under another section that says any person who voluntarily and without expectation of monetary compensation renders first aid or emergency treatment at the scene of an accident...to a person who is unconscious, ill or injured, shall not be liable for damages. He is checking with Albany on this. Hold for further review.

12. Discussion – Health Insurance for Future Board Members. (LCG)
Councilman Grubham noted that Board Members are entitled to health insurance and currently at least three members do not accept the insurance. He does not believe Board Members should have health insurance. It has become very expensive and with the next election cycle next year there will be three people up for election and if all three lost the election the three new people could come on board and ask for the health insurance and increase the budget by \$50,000 to \$60,000. There are currently three stipends; dental, glasses and \$3,600 for not accepting the insurance. His proposal is that health insurance be eliminated for future Board Members but the members currently that have the insurance should keep it. Mr. Kline was under the impression that the request was for the change to occur for all those elected after the next election, even those currently on the Board. Councilman Grubham said that he only wants to pursue this if the current members can be grandfathered in as long as they stay on the Town Board. Mr. Kline is concerned that this would be a discrimination issue so he will look into it.

13. Resolution ratifying a resolution appointing Jim Kavalesky as Building Inspector, PT effective October 28, 2011 at a rate of pay of \$17.50 per hour pending approval from Broome County Civil Service. (GEK)

Due to illness and the increase workload because of the flood, Supervisor Kniffen said there is a need to hire someone to do fire inspections. There are about 200 fire inspections that are done every three years; 1/3 each year. So as not to slip further behind they are hiring Jim Kavalesky, a Kirkwood resident whose career has been conducting

**TOWN OF KIRKWOOD
WORK SESSION**

October 25, 2011

fire inspections for insurance companies and who is more than qualified to do this job. Since Mr. Kavalesky has other clients he will currently be working only 10 hours a week for Kirkwood and will begin work on Friday, October 28th at \$17.50 per hour.
Resolution.

14. Discussion – Highway Building Cleanup/Repair Quotes. (RJC)
Ray Coolbaugh reported that he received two quotes for building repairs. The building is all stripped out and the antibacterial treatment should be done Thursday so that the shop will be ready for reconstruction. The post office basement has been cleaned out with the furnace repaired for the upstairs. The downstairs furnace still needs to be repaired. Councilman Grubham said that the estimates for the building repairs really mean nothing, that they were obtained for insurance purposes. The insurance company gave Ray permission to proceed with the demo work and power wash the building. The estimates received from contractors will be used for comparison when the insurance company makes a determination in case they aren't in agreement. They are not sure how much of the work they will have done. He noted that this is a difficult process. Councilman Diffendorf said that unfortunately the flood insurance companies, which is the federal government, have been very lax in getting people their checks. Discussion as to where the office and files will be located. At this point it looks like the basic office will be downstairs and all the files will be located on the second floor.

Supervisor Kniffen said they are still considering the land that was purchased for a new highway garage.

15. Discussion – Request to Transfer Money for Truck Repair. (RJC)
Ray Coolbaugh explained that when he took over the repair line was about \$6,000 in the hole so they haven't done much in the line of repairs, but he has three big trucks that will be needed for plowing that need repairs. He would like to transfer money for this purpose from the permanent improvements line and although he will be using some of that money for roads there should be money left. Extended discussion on plows and sanders that were flooded, whether to repair or buy new. Ray said he does not have the money or manpower to repair them. He is hopeful that they will be covered by FEMA. It is definitely a concern that it is not known what FEMA will cover. According to Ray it will still be a number of weeks before a figure is received. It was determined that if FEMA does not come through with the money Ray can use money from the permanent improvements line to repair the trucks since snow is on the way. Councilman Grubham said that they should get a price for someone else to fix them. Ray will look into the most effective and efficient way to proceed.

15A. Flood Issues.

Ray Coolbaugh explained that an itemized list of everything in the garage is required from the insurance company with replacement prices. Because there is so much paperwork involved with the flood additional help was offered to Ray.

**TOWN OF KIRKWOOD
WORK SESSION**

October 25, 2011

Councilman Diffendorf noted a concern that the parks are not getting cleaned up and suggested that possibly some extra help should be hired for this as well, especially since it should be a reimbursable expense. Ray will look into getting extra help to get the parks and roads back in shape.

Ray said that he and the Town's engineer, Dan Griffith, viewed all the areas damaged by the flood and Dan suggested that a contractor give them a price for FEMA. He noted specifically expensive repairs will be needed for Foley Road as well as repairs to Meadow Lane, Barlow Road at the intersection of S. Woolhill Ave, etc. The Town will have to pay up front and submit for reimbursement. According to Ray the City of Binghamton will take care of the repair of the Town's section of Hiner Road. He said that Pope's Ravine is a federally funded highway and after the engineer determines what needs to be done it will be submitted to DOT.

15B. Fuel.

Ray explained the process they used during and after the flood to get gas at the station but they are now getting gas back on site at the highway garage. He quoted prices for key card pumps for possible future use. This is still being reviewed.

15C. Summer Hours – Union Agreement.

Supervisor Kniffen explained that in the current union agreement summer work hours are from 6:00 AM to 2:30 PM from April 1st to November 1st. Since it is now dark at 6:00 AM, Bob Firmstone will ask the workers to consider amending it to a different time frame, possibly from Memorial Day to Labor Day.

15D. Taking Town Trucks Home.

Councilman Diffendorf raised a concern that trucks are again going home and now that there are no major flood issues, with no more overtime, they should not be happening. Ray said that during the flood he authorized it and John has had quite a few calls in the middle of the night so he feels it is more effective for him to have the truck home. After additional discussion, with the exception of snow events, it was determined that the trucks should be left at the garage, including the DPW Deputy's truck.

16. Discussion – Updated List for Broome County Auction. (RJC)

Ray Coolbaugh presented an updated list for the auction on November 5th. He said with the exception of the trucks and the leaf sucker, most of the items have been under water for the second time. He was advised by the auctioneer that is not a problem. The items not underwater were the 1969 tractor trailer, 1990 Chevy van, dresser roller, leave loader, 1969 Trac paver, and the 1966 Gehl leaf sucker. Once again Councilman Diffendorf noted a concern that they were not keeping the paver, but Ray said that it needs too much work.

**TOWN OF KIRKWOOD
WORK SESSION**

October 25, 2011

17. Audit of Claims.
Resolution.

18. Addition Items.

Ross Park Zoo Contribution:

In response to a question from Supervisor Kniffen at the last meeting, Marchie Diffendorf reported that Broome County's contribution to the Ross Park Zoo was \$275,000 this year and it will be cut 3% to \$268,000 for 2012.

Leaf Pickup:

Supervisor Kniffen explained that he received an email in regard to leaf pickup expressing a concern that the highway department closes at 2:30 when most people are still working. Discussion. Ray will look into adding additional hours.