

**TOWN OF KIRKWOOD
WORK SESSION**

January 27, 2015

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
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman

1. Resolution accepting the Recertification of the Records of Activities for Marchie Diffendorf, Member Planning Board, in accordance with the attached recertification.

Resolution.

2. Discussion – Request from Katie Legg, owner of Festivities a Wedding & Event Planner to hold a Wedding and Social Event Expo at Veterans River Park on Sunday, August 30th from 10 am – 3 pm.
(GEK)

Supervisor Kniffen said Katie Legg is a resident of Kirkwood and the owner of Festivities. Katie indicated there would be people attending in and out throughout the day, not a large gathering at one time. Mr. Kline said that section “cc” of the Parks Use Local Law states that if a private organization wants to run a private fund raising activity (which this might fall under), it is prohibited unless the Town Board gives a waiver or they pay a fee. A fee has not been established in this regard. There is a reservation fee for use of a pavilion, the cost of which depends on the size of the group. The permit fee is \$25 for groups of 1-100 people and \$200 for groups of 100-200 people. Hours of operation for use of the park are included in the permit. The Board will have to decide whether they wish to establish a precedent to allow this type of activity in the Town parks without payment. It was noted that she is not requesting to use the facilities without the payment of a fee. Councilman Grubham questioned if she will be making a profit from this. Councilwoman Yonchuk said that generally a wedding expo is basically for future brides/couples to see what is out there in regard to catering, entertainment, bakeries, etc. She would think that the vendors pay her a fee to set up but there would be no actual sales going on. Councilman Grubham noted a concern where they would draw the line if they allow this. There will be a cost to the Town no matter who is requesting use of the facilities. The Town Clerk did note that Katie was informed that at the minimum it would be \$200 to rent the pavilions subject to approval by the Town Board who would

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ultimately determine the total cost. The pavilions are currently on hold for her use at this time. Supervisor Kniffen said that he doesn't want this to get so involved that they have to write a whole new policy to address this. There have not been requests like this in the past. He said he feels that \$200 goes a long way towards paying for the electricity and other expenses involved and he feels it is sufficient. Councilman Grubham reiterated his concern of setting a precedent. Supervisor Kniffen said what they charge for the pavilion would set the precedent and it would depend on what future requests are for whether they allow them or not. Councilwoman Yonchuk said the 2 issues are the fee for this type of activity and what type of activity would be allowed. Mr. Kline added that use by non-profit organizations is already covered in the Parks Use Local Law, this only concerns for profit organizations.

Supervisor Kniffen asked the Board if they feel \$200 is sufficient. Councilman Diffendorf said he thinks it should be more since they are setting up a big tent on the former football field on Friday. He questioned how much money she might make for holding this event. Supervisor Kniffen will invite Katie Legg to attend the February 3rd meeting to answer additional questions in regard to her request.

3. Resolution Authorizing Awarding of Emergency Contract for Replacement Pump on Well 1, in accordance with the attached resolution. (GEK)

Discussion included with Item #4. Resolution.

4. Resolution Authorizing Awarding of Emergency Contract for Replacement Electrical Switch for Well 1, in accordance to the attached resolution. (GEK)

Supervisor Kniffen explained that Kirkwood has produced its own water through wells for over 40 years. It has been a long time since extreme maintenance has been done on them. The main wells are Well #1 and Well #3. The Board recently authorized funds for the Public Works Department to get needed work done due to an emergency situation. There were not to exceed costs of \$40,000 on one well and \$20,000 on the other. When the work was done the cost was just shy of \$65,000. Also, when the wells were created and the wiring was put in there was never an on and off switch installed so there has been no way to shut them down and this now has become another emergency situation. In order to keep the project going the Board had to authorize paying \$14,000 for the switch. Fortunately there is a surplus in the water and sewer fund so no bonding will be required and taxes will not increase.

John Finch reported that the emergency switch was installed and is operational as of today and it worked good. Well #1 was removed today. They took the whole well out and found a hole in one of the columns, although it did not go through the casing. The well is very dirty. About 40 feet down in the well the screen is caked with iron, which will be cleaned and put back close to original condition. It will be tested and hopefully

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put back on line by the end of next week. John Finch and Councilman Grubham explained how the wiring and switch works in regard to shutting down a well and in what situations shutting off the power would be involved. John said that currently they have to hire someone with special rated gloves to turn off the switch but they are getting their own set of gloves to do this themselves for the remainder of the project and for the future. Ray Coolbaugh added that once they get the wells back on line they most likely won't need to use the switch until testing is done again. Resolution.

5. Discussion – Appointment of Deputy Town Attorney to handle code enforcement matters regarding two (2) trailer park code violations. (GEK)

Supervisor Kniffen explained that mobile home parks must be in compliance with Town codes and licenses must be renewed annually. According to Scott Russell, one or more of the parks are questionable and they need to be taken to court. Scott does not feel comfortable going to court and is requesting legal representation. Councilman Grubham added that there have been constant problems with these parks and now they are refusing to do what is necessary to make the parks compliant. He said it is complicated and every year it's the same thing and he is in favor of this since it is time to do it properly. Councilman Diffendorf would like more information. He said he feels Scott should know the code and when he writes someone up it is because they are in violation. He has a concern with paying the cost of a lawyer and then they will be in the same situation next year. Councilman Grubham said that he thinks that in the past the Judges forced the owners to pay all the costs involved. Councilman Diffendorf added that reimbursement is a concern since this has happened a number of times in the past. Supervisor Kniffen will provide additional information prior to the meeting on February 3rd.

6. Discussion – Server Upgrade Project. (GEK)

Supervisor Kniffen explained that this is another emergency situation. The Town's server is well over 10 years old. They have been working on replacing it and originally thought this could be done with the use of Broome County's server as a shared service. The benefit would be a cost savings and more resources would be available. The Town hired an IT consultant who supported this. However, it was determined that some of the software the Town uses would not interface with the County's system so that option could no longer be pursued. The intention was to go out for bids but last week the server went down creating an emergency situation. Fortunately a local company, Bluestorm Technologies, Inc., was able to get the server up and running, but it was noted that it could go down for good at any time. Since there was no longer time to go to bid, Bluestorm was asked to provide a new server according to the specifications drawn up by the IT consultant. They were willing to cut their profit on this since the Town was in such a bind. The cost of the new server will be about \$11,000. Through good planning by the Town there is a computer reserve fund that will cover this cost with no increase in taxes. The new server should be in by Friday. As a result of a discussion between

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Supervisor Kniffen and Mr. Kline it was determined that the cost of the server would initially be paid by general funds and reimbursed by the computer reserve. Mr. Kline explained that the resolution to authorize this purchase is subject to permissive referendum since the reserve fund was set up as a result of a public hearing and payment from the reserve fund must be held for 30 days after the resolution is approved by the Board. Resolution.

7. Discussion – Approval to purchase water meters from Network Oriented Solution, Inc., being the lowest bidder. (RJC)

John Finch explained that this should be the final round of water meter purchases. All the water meters in the Town will have been replaced, with just a few stragglers remaining, and this will complete their 4 to 5 year process of changing out the meters in the Town. This is the lower of 2 bids that were received. Resolution.

8. Audit of Claims.

Resolution.