

**TOWN OF KIRKWOOD
WORK SESSION**

September 29, 2015

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

Also Present: Oliver Blaise III, Deputy Town Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, Commissioner of Public Works
James Smith, Budget Officer
John Finch Jr., Chief Water Treatment Plant Operator

1. Discussion – Request from Kristy McWherter to change the name of Grange Hall Park to Kevin J. Tarsia Memorial Park. (GEK)

Supervisor Kniffen explained that Deputy Tarsia was killed at Grange Hall Park and his niece is requesting the park name be changed to Keven J. Tarsia Memorial Park. Since Grange Hall Park is apparently named after a road and not an individual, Councilman Weingartner said he has no issue with changing the name and he feels it would be a fitting tribute. Councilman Grubham said he is not in favor of naming any of the parks in Kirkwood after anyone. There are so many people that could be honored with a park named after them. The Town has Veterans River Park for any number of people who died for this country with a nice memorial in the park. In recognizing Deputy Tarsia, a very nice memorial is already located at Grange Hall Park, including a plaque, stone, gazebo and flagpoles. It is a nice setting and he feels it is very apropos for what the Town should do. Councilman Grubham added that since Deputy Tarsia was a county employee, if a park should be named after him they could consider a county park. Councilwoman Yonchuk said she agreed with Councilman Grubham that there are so many people that could be honored for various reasons. She feels that the Town has done a nice job of memorializing Kevin in Grange Hall Park. Councilman Diffendorf said he agrees with Councilman Grubham and Councilwoman Yonchuk.

2. Discussion – Water/Sewer Benefit Units. (ONB)

Supervisor Kniffen explained that Oliver Blaise and Jim Smith have been working on modifications to the water and sewer benefit units. Mr. Blaise presented the changes at the last meeting and provided handouts. He said there is one change since the last meeting and noted that Councilman Diffendorf had brought up a good point that they were basing it on dollars, which they did because that was the easiest method to capture usage within the system, but if rates are changed it would impact the tiers that were set up because if the rate is lowered it would drop everyone down into a lower tier, which is not what they intended. He said Mr. Smith worked on converting the dollar methodology into cubic feet or gallons so that way it is truly based on usage and flow. In response to Mr. Blaise, Mr. Smith said the conversion for cubic feet and gallons are equivalent in terms of the outcome. All their analysis was using dollars based on 2014, and he tried to take the tables based on all the

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analysis and just do the conversion in cubic feet at first and then the conversion to gallons from that. The vast majority are cubic foot meters but the Town's biggest user, Frito Lay, is gallons. Mr. Smith provided a Flow Unit Chart showing the cubic feet and gallon conversions. Oliver Blaise said this reflects the cubic feet or gallon readings that correspond to the dollar ranges presented at the last meeting as they existed in 2014 dollars. It was noted that the number of tiers and the units assigned to the tiers stay the same. Mr. Smith added that after converting it, because they do a running log of Frito Lay's usage, where they identify them as a tier 1 company that has roughly 65 million gallon usage, they are close to 96 million in terms of after their stack allowance. They should stay in that range. Councilman Diffendorf said he feels this will bring it in line where it will always be consistent.

Mr. Blaise explained that the Board will adopt a resolution at next week's meeting adopting the changed methodology. In the past a grievance day has been held for people who are notified their assessments have gone up. This year there will be quite a few notices going out to those people and he feels it would be good to have that at the October work session rather than taking time at a regular board meeting. He will be available at that time to answer any questions and or grievances and explain the new methodology. Then numbers can be submitted to the county. He said a public hearing is not required because this was not set by local law. A grievance day will be held in lieu of a hearing.

3. Discussion – Geiger Lane Meeting. (GEK)
Hold for October work session.

4. Discussion – 2016 Preliminary Budget. (GEK)
The Town Clerk presented the 2016 Preliminary Budget. Supervisor Kniffen explained that a public hearing will be set by resolution at the next meeting. Between now and then board members will meet with Mr. Smith. The tax cap will be met once again at .73%. The overall budget rate increase is 3 7/10 cents. Next year will be the 14th year in a row the Town Board has not asked for or been given a salary increase. He complimented Mr. Smith on his budget work.

5. Resolution Approving the Preliminary Budget and Directing a Public Hearing for October 27, 2015 at 6:00 PM. (GEK)
Resolution.

6. Discussion – Hydrant Permit Fees – Reduce to \$50 with \$5 Processing Fee. (J. Finch)
According to John Finch currently hydrant permits are \$100 plus a \$5 processing fee. About 5 or 6 years ago it was \$35 with the processing fee included. The fee was increased to \$105 in the hope that they would be making some revenue from the gas companies buying water from the Town but obviously that never happened. This \$105 is currently charged for

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residents who want to fill their pools. He is thinking that the fee should be reduced to \$50 plus a \$5 processing fee. The majority of permits are from Rod Hoover for his pool business. Typically there are about 10 or 12 other residents who come in for hydrant permits, basically because most people don't have a hydrant in their front yard. He would like input from the Board as to whether they would like to keep the fee the same, or reduce it to \$55 or possibly \$35. Currently the \$35 fee is charged if he goes to someone's house and disconnects their water meter, they fill their pool and he reconnects the meter. This way they don't get charged for sewer to fill their pool. John said he would like to leave the fee at \$35 for the disconnects and for hydrant hookups he would like to lower it from \$105 to \$55. The no longer get companies from out of town. John said it only takes about 30 seconds to disconnect a meter and the time it takes to drive to the house. For an actual hookup at the hydrant, they usually supply a fire hose and wrench. There is no back check valve, which is alright if it is not submerged in the water. Councilman Diffendorf said he does not have a problem with lowering the hydrant fee, it's just residential and the Town is making money on it no matter what. John questioned if the Board wants to keep Rod Hoover at \$35 a load or increase it to \$55. According to John, Rod's reasoning is that to fill a pool he would use 3 tanks which is equivalent to \$105 at \$35 per load. Rod does have a back check valve on his hydrant. Although this is currently verbal Supervisor Kniffen said it should be in writing. Mr. Blaise will follow up with John on the specifics for a resolution.

7. Membership Roster for Kirkwood Fire Company. (GEK)
Resolution.

8. Discussion – Request approval for legal assistance from Oliver Blaise on a code matter. (ONB)

Mr. Blaise explained there is a code enforcement matter that Scott has been handling that Mr. Blaise has not been involved with it at this point. Scott thinks that it is headed to trial and is not comfortable handling the case if it does go to trial. At this point the defendant has not retained an attorney. Scott said he would continue handling it up to the point where he can't get compliance and needs to go to trial. Mr. Blaise does not have the facts of the case at this time. Councilman Grubham questioned when it is usually known if a defendant has an attorney or not. Mr. Blaise said if someone is going to get an attorney 75% of the time it is up front once they get the appearance ticket but they may retain counsel right before a trial. Councilman Grubham asked if a defendant shows up with an attorney, if Scott can request a continuance so that he can be represented by an attorney. Mr. Blaise said presumably this could happen but if he were the defendant he wouldn't want to adjourn since he has his attorney present and paying for his time. He said that scenario has never happened to him although it has happened that the Town is represented by an attorney and a defendant has asked for a continuance to retain an attorney. Mr. Blaise explained that the way the process normally works is there is an initial appearance which is called an arraignment where the defendant enters his plea. The court typically schedules a pre-trial conference where the defendant will meet with Scott or Scott's attorney and usually they determine the status of getting violations fixed, which could result in putting off a trial to

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negotiate a lower fine if cooperation is shown. If they are not cooperating then the next step is a trial date. If Mr. Blaise does not go to the pre-trial conference he can still go to the trial which is what Mr. Blaise thinks is what Scott is asking for. Councilman Grubham said he doesn't think they want to lose a trial because they don't have the proper representation. Mr. Blaise said it is usually the goal for the defendant to pay the Town's cost for an attorney, but it is not always the case. According to Mr. Blaise the fine goes to the court and the State does not get any of that because these aren't state charges. Councilman Diffendorf said he would like more notice going into these things. He noted that he does not know where the property is. Before he sends a lawyer in on something he would like to personally see it himself. He said if you ever sat on the other side, you can really feel like you are being bullied if you really don't think you are in the wrong and the Town has a lawyer. He wants to know in his mind if the Town is really doing the right thing by sending a lawyer. It was noted that the pre-trial is next week and before a trial could be scheduled, which typically is no sooner than 30 days, the Board would have another meeting and could address this. Mr. Blaise said Scott could report back as to what happens at the pre-trial. Councilman Diffendorf said he is going to look at the property.

9. Discussion – Corporate Drive. (GEK)

Supervisor Kniffen explained this is in regard to Corporate Drive where it starts at Colesville Road and enters the ramp heading north on Route 81, which is approximately 1150 feet. The last time the Town blacktopped it the cost was \$35,000. Representatives have been asked as well as DOT to take over that stretch of road because it requires so much maintenance due to a lot of truck traffic. It might be a possibility for them to take it over in 12 years or so. They looked at what can be done other than regular black top to make it last longer. They first talked about concrete which would be a \$500,000 to \$600,000 project and Kirkwood could pay anywhere from 2% to 12%. Now there has been a big change. It has gone to where it won't cost Kirkwood anything and the life of this maintenance could be from 10 to 20 years. In addition to that they have asked Assemblyman Crouch not to stop working on taking this stretch of road over. After seeing the email on what they are going to do he asked Councilmen Grubham and Diffendorf, who have expertise in this area, if they think it is good material. Councilman Grubham said he thinks the material is fine and it is important there is no cost to the Town. Councilman Diffendorf said they are going to beef the shoulder up where the heavy traffic is, which is all truck traffic. There are 2 truck stops at the bottom of the hill and if they are heading to Binghamton they use that road. It's a win-win, they are going to mill 2 inches out and put new blacktop back in. He does not see how the Town could do any better than this.

10. Discussion: (RJC)

Backhoe Purchase – Price quote for new backhoe with trade-in.

Ray Coolbaugh said they are trying to get a plan going where they can start updating some of their equipment and save money in the long run. The backhoe is a 2008 Case with almost 3,000 hours on it. John Deere has a program for a 310HL. There are a few ways they can go at it. They will give the Town a \$30,000 trade-in which is pretty good right now before it

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gets any older and value is lost. The backhoe actually belongs to the water department and they have some funds available to make payments on it. If they go with a municipal bid it's through John Deere credit, at either 3 ½ or 4% interest for a 3-year lease. If it is approved and they get the machine November 30th the first payment is not due until November 30th 2016 and that's how it goes until the 3 years are up. At the end of the 3 years it can be bought for \$1 or traded back in for another one. This is on county bid so it's a pretty good discount. In 3 years that machine is actually going to be worth \$75,000 so there is a gain every time it's traded. It will amount to about \$10,000 a year with warranty. All that will be needed is to change the oil. Within 3 years there most likely will not be any tire replacement.

Councilman Diffendorf said he doesn't see it being used that often. He noted every time a water line is changed he sees a little excavator in use. Ray said they use a little excavator in yards because it makes less mess. Councilman Diffendorf said he does not disagree with that but he still does not see the backhoe being used and he feels 3,000 hours is not many hours on a machine. Ray said he is just trying to save the Town money in the long run. Councilman Diffendorf asked if there is enough money in water to pay for this outright. Mr. Smith said they may end up doing that and still do the program. With the trade the amount would be \$69,181.93. They are through with the meter program so their equipment line would enable a good chunk of it. Councilman Diffendorf said he wants to be sure they get what they want and what they can use. Ray said it is used more in the highway than water so the cost could be split between highway and water. If each department paid for it the payments would be a little over \$12,000 a year for each department. That would leave money for other things. John Finch said historically the water and sewer department pays for the backhoe and in exchange the highway department helps the water in situations where trucks, an operator or flaggers are needed. Councilman Grubham noted a concern that water people might have an issue if it isn't being used for them. Examples of other equipment sharing was given.

Ray said John Deere got the county bid, so competitive bidding is not required and they like John Deere equipment. Although it is not required, Councilman Grubham suggested that it might be a good idea to get other quotes. Supervisor Kniffen said he thinks they assume they can buy at county or state contract but there could be a situation where someone else is lower than state contract. He said in the least they should consider getting verbal quotes and then go to bid if there is a lower quote. Councilman Diffendorf said he feels it is a good idea to go out to bid because unlike other towns, Kirkwood has 3 major dealers and they shouldn't get the idea that Kirkwood is favoring one or the other. Everyone should have the same opportunity. If they don't come in lower there is always the John Deere county bid. Ray said this program for the John Deere is over by the end of October. Supervisor Kniffen said once an item goes on county or state contract everyone can see that and if he were a competitor he might consider cutting it a few dollars.

In regard to the John Deere program if another one is purchased at the end of the program the final payment pays it off and is the down payment plus they will give \$75,000 towards

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the trade in. When the Town gets the next machine it won't cost anything because they will pay it off the first year. John said the third payment would be applied to the trade in. At that time the machine they will be trading would be worth more than they are paying for it now. Councilman Grubham said they will always have a payment. Ray said that is right but the farther they go the more they will be getting it for less because there will be more equity in the machine they have. Councilman Grubham said he has somewhat of a concern that there will always be a payment. Ray said it is less than doing the full maintenance, buying tires, etc. and it is under a 3-year warranty. Mr. Smith said that is sort of the pitch, if they start the program the trade-in value is going to be higher than when they start. John Finch added that they would be buying it at county price but trading it in at retail price. Also before it is traded they can put it out to bid to see if anyone is willing to pay more than the trade in. The program doesn't necessarily stay with John Deere, it's with whoever has the bid. Per Councilwoman Yonchuk the total payment per year would be \$23,060 however they decide to split it. That does not include interest. Councilman Diffendorf said if they bought the backhoe outright, they could then trade it in 3 years. He said years ago that is how they did it all the time. If the equipment was kept in good shape it could be swapped out for \$10,000 and they got a brand new machine. Mr. Smith noted some financial options that might be available. Mr. Smith responded to Supervisor Kniffen that they have been lately allocating \$50,000 to the highway equipment line and \$20,000 to increase their equipment reserves with the idea if they don't have the need for something in a year take the extra \$50,000 and put it in the repair reserve to squirrel away for these programs. He said they have laid some ground work for the truck. With the backhoe the special district could step in to help. If they don't have to pay out anything this year Mr. Smith said there is about \$70,000 in the equipment reserve.

Councilman Diffendorf feels this should go out to bid. Specs will be drawn up. Councilman Weingartner said if this isn't done fast enough they will lose the opportunity for the John Deere program. Councilman Diffendorf said he doesn't think they should worry about a time line. Mr. Smith said this program is coupled with a trade-in so like any other vehicle purchase they might give you more on the trade and more on the purchase. Options should be with and without trade.

Truck Purchase – Price quotes from Burr Truck & Tracey Road Equipment.

Ray Coolbaugh explained that Tracey Road Equipment quoted a price of \$207,000 for a 2017 Western Star with a stainless steel box. This is under Onondaga County bid. He also got a quote from Burr Truck for a 2016 Volvo which is not under contract. If they decide to go with the Volvo they would have to go to competitive bid again. He wants to get the big trucks back on a 12-year cycle so in 12 years they can plan on getting rid of it and get a new truck. He is looking to go 7 years on the pickups and smaller one-tons. The repairs are getting to be ridiculous as far as cost. He also got a price from Stadium Equipment for an International but he talked with the Town of Binghamton, Vestal, Windsor who have had these new trucks and they have had nothing but problems with the electrical. He doesn't like the Internationals and he feels they would be paying big bucks for a truck that Stadium

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would have for weeks at a time. If they bid them out then Stadium will have a chance to bid but hopefully they aren't the lowest bidder. In regard to the box, Stadium only sells certain brands. Burr and Tracey sell the same box, which he likes. He can buy the box separate but there are two separate bids. Ray explained why he likes stainless steel boxes over steel. He will be replacing a 1992 Volvo which cost \$94,000 for the truck and box and now the box is worth more than what they paid for the truck. With the stainless steel there are not the maintenance problems as with steel. He added that in 12 years they could take the box off the truck they have, rebuild it for about \$24,000 and slide it on a new chassis and that will save about \$75,000 towards another body. If they decide not to rebuild it to put on another cab and chassis the resale for the truck will be worth more at the end of 12 years. Ray said these are just budgetary numbers. If they go out to bid they could be lower. Problems with past trucks were discussed.

In response to Councilman Grubham Ray explained the stainless steel body will make the truck worth more in the long run and they would only be paying a little over \$6,000 for the stainless compared to the steel. The steel rusts and stainless doesn't. Currently none of the trucks have stainless steel bodies. Councilman Grubham said he has been in favor of getting another truck but the money will dictate how they are able to do it. There is no trade in involved. The Volvo will probably be put up for auction. He feels they should get between \$35,000 and \$40,000, which would be used for the new truck.

After this, the 2006 GMC 5500 will be the next one they will need and the only one who makes a truck in that size is International. They are looking at one which is almost \$90,000. This is all county or state contract as well.

Supervisor Kniffen said his notes indicate that a discussion was had in May 2014 about the loader and that the 2006 Ford and 2006 GMC had been overhauled. So he feels there was an agreement to go ahead with the truck and start setting money aside.

Mr. Smith said they need to talk about the list and where they are and where they think they are going, and do that every year. Councilman Grubham said they need to know how this works in the budget. Mr. Smith said at \$70,000 set aside times 3 that is \$210,000, and the truck is \$185,000 but they haven't used any special district money yet. They just don't want to start stacking them up too much.

Councilman Diffendorf said it is his understanding that some of the older trucks were less maintenance than the newer ones. Ray said they have a 2000 and a 2002 and the 2000 is actually a better truck than the 2002 with less breakdowns so they would like to get rid of the 2002. This shows up in maintenance costs.

Transfer of Funds to Repair Line – See attached, work that needs to be done on trucks.

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Ray Coolbaugh provided a list of work that needs to be done, although he said everything does not need to be done before winter. He briefly explained each of the 20 items on the list which is on file in the Town Clerk's Office.

Ray said Bill Tozer does a lot of the work on the trucks. Supervisor Kniffen asked if people driving the trucks look for maintenance by checking fluids, etc. Ray said they do check fluids, grease them, check the lights, etc. when they have time. He said they do preventative maintenance to a point but in most cases it is more cost effective to have them sweep the floors and wash the trucks because not everyone is a mechanic and there are times when it would cost more money in the long run. Supervisor Kniffen questioned if any of the issues are caused from rough driving. Ray indicated there was one concern.

Ray is requesting that funds be transferred so he can do some of the work before winter. Mr. Smith said the repair line has been pretty well spoken for. There is another contractual line that if it follows last year's pattern will have some funds that can be transferred. He also noted that if they get a little more sales tax instead of keeping it in general fund it could be given to highway. Ray said he has not had time to price this all out and some of it does not need to be done until January but has to have the trucks for plowing so he hopes another \$10,000 might do it. Ray will provide a better estimate at the meeting next week.

Councilman Grubham stated he thought sales tax revenue was off. Supervisor Kniffen said they have been off but they are predicting for 2016 it will be up a little. Mr. Smith said that YTD they are ahead of their budget line. Supervisor Kniffen explained the current County Executive promised a 50/50 split and still does promise it but hasn't been able to do that as yet. He explained what the current formula is which does add percentages each year.

Councilman Diffendorf questioned a payment to Avery on Barlow Road for \$800+, and asked why the work wasn't done in house. Ray said it was for Scott's Code truck and Bill was out working because there were 2 guys on vacation. The truck needed brakes and inspection. He said if they have time they work on it. Ray also noted that they don't have the tooling to diagnose or work on the new fuel injection systems. Councilman Diffendorf said there have been other cases as well.

11. Audit of Claims.

Councilman Diffendorf questioned a \$242.57 payment to Terry Lewis for invisible fencing. Ray said that an employee was shown where the line was but somehow he got close to the fencing and tore it out. It runs beside the ditch which is on the Town's right of way.

Councilman Diffendorf said he is not sure the Town is responsible for things like that when it is on the Town's right of way. Mr. Blaise said it is private property within the right of way and normally he would think if the Town broke it they would pay for it. He compared it to a fence on the right of way that was knocked down while a Town employee was cleaning a ditch. Just because it is in the right of way it doesn't give the Town the right to destroy it. The property owner can still use the portion of their lawn in the right of way. He did note there is an exemption for snow plows. Councilman Diffendorf said if a water line

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were to be put in a property owner would have to take a fence down and he feels the Town has an easement. He said the Town should know what their responsibility is. Mr. Blaise added that the Town does not own the property involved with the right of way, it gives them access to it. Councilman Diffendorf said if it is a deeded road there are 25 feet that are the Town's, County's or State's property. It may be mowed or used but the Town does not have to get permission to do work on that area. Mr. Blaise said there is a difference between ownership and right of way. Councilman Diffendorf said they are ownership roads. Mr. Blaise said the road is owned by the Town but the property is owned up to the road and the right of way extends beyond the road. Otherwise if the Town owned the right of way land the property owner could expect the Town to mow it. Mr. Blaise will look into this.