

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 27, 2016

A regular meeting of the Kirkwood Town Board was held on June 27, 2016 at 6:45 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

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

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, DPW Commissioner
John Finch, Chief Water Treatment Plant Operator
Marchie Diffendorf, Planning Board Chairman
Duane Travis, ZBA Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: June 7, 2016 Town Board Meeting

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Paving.

In response to Councilman Grubham, Ray Coolbaugh said he will have a quote for the next meeting on how much it would cost to pave around the town hall.

FEMA Electrical Contracts.

Councilman Grubham questioned who is responsible for getting the prevailing wage rates, certificates and warranties for the FEMA electrical projects. Ray Coolbaugh said the contractor provides that information.

Parks.

During a recent trip to the ball field at Veterans River Park Councilman Weingartner said he saw a squirrel go into a nest it had made in one of the cans that was missing a light in the soffit. Ray Coolbaugh said new lights are going to be installed on the building because of the FEMA project. He said cans will be put in with covers on them and pieces of soffit will be replaced so there won't be any access. Councilman Weingartner said this is a concern because squirrels can do a lot of damage quite quickly and they might want to consider putting up some sheet metal in the meantime.

Bottled Water.

Councilman Grubham said he has been approached by employees at the town hall asking if the Board would consider paying for drinking water since the town supplies coffee, creamer, etc. for the highway department. He said at one time the Town did pay for this and it amounts to about \$20 a month. All Board members were in agreement to cover the cost of the water.

Carpet Runners.

Mr. Blaise asked how things are going in regard to the contract for carpet runners. Ray Coolbaugh said the new company is Dempsey and so far they have had no complaints.

Truck.

Ray Coolbaugh reported that the new truck arrived last Friday and is available for anyone to check out.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 27, 2016

Susquehanna River Basin Coalition.

Ray Coolbaugh explained Susquehanna River Basin Coalition is the group that donated and planted trees along the creek area for the buffer. The white tubes are dwarf apple trees. There are also blueberry, cranberry and witch hazel bushes. All the fruit, if and/or when it develops, is edible for birds and humans. There were three interns that organized this and kids in the Liberty Partnership program from Windsor high school in grades 9 through 12 planted from 9 AM to 1:30 PM. He plans to send notes thanking them. Ray did tell them where they planted there was 2 feet of gravel from the flood. Councilman Grubham said those trees most likely won't be out of the tubes in his lifetime, at least 10 years according to a nursery contact, that is if they don't get washed out. He said he misunderstood because he thought actual trees were going to be planted. He said although he appreciates what they did if he had realized what it actually was going to be he wouldn't have been in favor of it. He does not think it adds to the park right now. Ray said the group was talking about planting weeping willows down on the river bank at Veterans River Park in their attempt to try to control erosion. Councilman Grubham questioned if they put them down there if they won't be in the way. Ray said they are talking about planting them about 15 inches apart on the bank itself, not up on the top. He said they figure the water will flush them over and then they will stand up and protect the bank. Councilman Grubham said he is not in favor of doing that down there, noting that if we get a flood this year they will be gone. Councilman Diffendorf said he is not in favor of willow trees, they are messy. Ray Coolbaugh said the group will come back and do the maintenance on them and they are supposed to be fast growing.

Herb Kline Way RR Crossing.

Supervisor Kniffen reported that the rehab project planned by the railroad is ready to go this summer. According to Ray Coolbaugh it will start the week of August 1st and is a 3-day project. He said instead of putting in a detour, which would be too expensive, they are doing it half at a time. The Town is scheduled to pave it at the end of the week. It will be filled in so that trucks can get across it and they will dig it out when it's time to blacktop it, which they will do in one day, half at a time as well.

Solar Meeting.

Supervisor Kniffen reminded everyone that Wednesday at 9:30 AM there will be a solar meeting at the Town of Chenango.

NYSDOT Meeting – Upper Court St.

Supervisor Kniffen explained they have been working for years to try to do something about the flooding at the corner Route 11 and Colesville Road and a meeting will be held Thursday with NYSDOT in this regard. Although the State has looked at this for a number of years, because it is a multi-million dollar project, they are not going to fund it. The Town's engineer looked at this to possibly redirect the creek towards Binghamton without crossing Route 11. Ray Coolbaugh said it would actually go through DOT's parking lot. Supervisor Kniffen added there are a number of organizations involved with this. He said the goal is to have commercial development there much better than the eyesore it is now. Since it would make it more enhancing if they could get DOT to give up the corner of Colesville Road and Route 11 so they could expand on that area, that will be part of the discussion.

Comprehensive Plan Committee.

Councilman Grubham said the Committee has one more meeting scheduled and then a public hearing will be held. They are considering holding the public hearing the night of a board meeting so the Board will be aware of what is going on in that regard.

Water Permit Fees.

Supervisor Kniffen reviewed that this was addressed at the last meeting and noted that a commercial business in town fills most of the residential pools but also the Kirkwood Fire Company has been filling pools as well. Aside from the fact that they make a little money, the fire company likes to do this because it provides training for new members by having them drive the tankers, run the pumps, etc. Roger Studer, a member of the Kirkwood Fire Company, asked him how this relates to them. Supervisor Kniffen said there are two categories, a) residential, and b) commercial/industrial, and two different fees. The

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 27, 2016

Kirkwood Fire Company is a non-profit and they are hauling the water to residential users and he asked the Board if they feel the fire company would be best defined, under a) or b). Councilman Weingartner said he feels they are more of a commercial entity because a residential classification would be if he had his own big tanker truck. The fire company is providing a service which is no different than what businesses do. Councilwoman Yonchuk said they also discussed a concern that the fire companies are doing this and are eliminating or competing with business in the town. As a review of the fees as approved at the last meeting, Supervisor Kniffen read: a) Hydrant fee for residents for residential uses (e.g., filling swimming pool): \$30.00 for connection, plus \$5.00 processing fee, and b) Hydrant fee for commercial and industrial uses (e.g., commercial hauler or business filling a tanker truck): 1. Tankers up to 2,500 gallons \$70.00, plus \$5.00 per load and 2. Tankers over 2,500 gallons \$100.00, plus \$5.00 per load. He said when the fire company does this they do get a fee. Councilwoman Yonchuk said she feels this is a commercial use, since they are doing it as a business. Councilman Diffendorf said he agrees it would be a commercial use. Councilman Grubham said he thinks the idea was, no matter who was hauling the water either residential people themselves or commercial people, if it was going to a residence that the lesser amount would be charged and the higher amounts would be for business purposes. He said the pipe liners were basically selling water to build their pipe line. It would be the same if the water was taken to any business in the area for whatever they were doing. The \$35.00 fee was so the residents would not have to pay the higher number. Although he feels that was the intent, it is not clearly worded that way. If the Board lets this stand, Supervisor Kniffen said how he interprets it is a) a resident that wants to fill a pool would have to get a truck, get a permit and go to the hydrant for the water. Councilman Weingartner said or if someone might be lucky enough to live close to a hydrant. John Finch said he interprets it that if you are near a hydrant you hook up for \$35.00 and if not you would have to pay the higher fee. Councilman Grubham said then some residents would be better off because of their proximity to hydrants than other residents. John Finch said all residents that live in a water district can have their meter head removed for the \$35.00 fee and have their pool filled that way. Councilman Diffendorf said that is a good service the water department offers. Councilwoman Yonchuk said if she were a resident reading that and wanted a pool filled and didn't live in a water district and as a resident asked the fire company to do it, she would think the fee would be \$35.00. Councilman Diffendorf said he doesn't have a problem changing it to say Kirkwood residents pay a \$35.00 fee and the private hauler charges what they want. Councilman Grubham said that was basically his intent, that he doesn't think a resident should pay a commercial fee. Councilman Weingartner agreed. It was noted that it should be addressed as to whether or not the fire company would be competing with a commercial town business. Supervisor Kniffen and Councilman Grubham will review this.

OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting Local Law No. 5-2016 entitled "A Local Law Opting Out of the Solar, Wind and Farm Energy Real Property Tax Exemption Provided by RPTL § 487", in accordance with the attached resolution. Councilman Diffendorf seconded.

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

106-16
Adopt
LL #5-2016
Opt Out
Solar Tax
Exemption

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution appointing Chad Moran Building & Code Inspector-OC of the Town of Kirkwood on a probationary status effective June 28, 2016. Councilman Grubham seconded.

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

107-17
Appoint
C. Moran
Bldg & Code
Ins-OC
Probationary

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 27, 2016

108-16
W. Coe
Attend
Conference

Councilman Grubham moved to adopt resolution authorizing Ward Coe to attend the NYSMA 2016 Annual Conference at the Crowne Plaza, Lake Placid, NY to be held September 25-28, 2016 at a cost of \$687.75 plus \$50.00 pre-registration fee with the State reimbursing towards one night of lodging and full mileage reimbursement at current rate per mile. Councilman Weingartner seconded.

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

MOTION CARRIED.

109-16
Purchase
VFD Pump
Drive

Councilman Weingartner moved to adopt resolution authorizing the purchase of a 7.5 Hp ABBVFD pump drive to replace the Square-D 7.5 Hp VFD pump drive for the Kirkwood Avenue lift station at a cost of \$3943.00. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

110-16
Mow vacant
Properties

Councilman Diffendorf moved to adopt resolution authorizing payment for mowing vacant properties at 15 and 47 S. Sunset Drive, 114 Ostrum Road, and 640 Stratmill Road to Tim Sisson Construction in the amount of \$1,100.00 which was the lowest quote received.

Councilman Grubham seconded.
Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - no
 Councilman Diffendorf - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

111-16
Audit/Pay

Councilwoman Yonchuk moved to adopt resolution authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts (Fire, Light, Water and Sewer Districts), Professional Services, Capital Projects and Reserve Funds claims, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 5, 2016, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Diffendorf seconded.

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

MOTION CARRIED.

OTHER:

Solar Training.

Marchie Diffendorf questioned if the members of the Planning Board and Zoning Board of Appeals attend the solar training session at the Chenango Town Hall on Wednesday if they get training credit for it, noting that there is no mechanism in place to get the credit as it stands now. Supervisor Kniffen said they would get the credit and should submit it to his office.

Senior Picnic.

Supervisor Kniffen announced that the annual picnic for Kirkwood seniors will be held July 27th at noon at Veterans River Park.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 27, 2016

NEW BUSINESS:

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph d of the Public Officers Law to discuss proposed, pending or current litigation. Councilman Grubham seconded.

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

MOTION CARRIED.

ADJOURNMENT:

Councilman Weingartner moved to adopt resolution to adjourn the meeting. Councilwoman Yonchuk seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 7:55 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk