

TOWN OF KIRKWOOD WORK SESSION

September 27, 2016

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

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, Commissioner of Public Works
John Finch Jr., Chief Water Treatment Plant Operator
Duane Travis, ZBA Chairman

1. Discussion – Agreement with Broome County – Kirkwood Youth Program – Christina Radicchi and Steve Flagg.

Broome County Legislator Steve Flagg presented a \$4,000 grant check from Broome County to the Town of Kirkwood youth program. He said it is exciting to see the relationships that are built through the youth program which his children have participated in over the years, noting this is the foundation of the community which all starts with our children. On behalf of the entire Kirkwood youth program, Christina Radicchi thanked Art Garrison and the Broome County Youth Bureau, along with Mr. Steve Flagg and the Broome County Legislature for their generous approval of the \$4,000 allocation. She said because the Town's youth program is free to all Kirkwood residents, donations and sponsorships are crucial to growing the program, which has gotten quite large. She said Mr. Flagg is not only one of our county legislators, but he is also a very valued and highly respected coach in our program. He has been instrumental in helping her to rebuild the boys' baseball program and has helped with the basketball program as well. This would not have been possible without Mr. Flagg's help. Christina added there was only \$189,000 available to be awarded for the entire County and Kirkwood got the amount they applied for. Mr. Flagg also noted there were only 24 award winners. Mr. Blaise said the contract provided by the County is ready to be signed with only a few minor changes. Mr. Flagg will see that a signed agreement is returned to the Town Clerk.

2. Comprehensive Plan Update – Broome County presents to Town Board. (LCG)

Frank Evangelisti, Director of Broome County Dept. of Planning and Economic Development, presented copies of the completed Comprehensive Plan, along with all supporting documentation. He noted that the process began August 19, 2015. Members of the Steering Committee are Roy Tondeur, Marchie Diffendorf, Duane Travis, Lew Grubham, and Mike Maciak who were assisted by Town Attorneys Herb Kline, Nathan VanWhy and Oliver Blaise III. Two very well attended public hearings were held at Floyd Bell School and over 400 responses were received from a survey. They looked at the current conditions of the town, documented those through demographics, land use patterns, housing conditions, the economic base, transportation, environmental conditions of the town, and a very thorough review of all

TOWN OF KIRKWOOD WORK SESSION

September 27, 2016

the town's laws and ordinances. Mr. Evangelisti summarized the recommendations presented by the committee. In regard to the Court Street corridor the recommendation is to intensify code enforcement to address the appearance of that area and improve access management as to how cars enter and exit each of the businesses so that there is more control and more orderly traffic. Regarding the Kirkwood Industrial Park, the zoning should be amended to make the park more competitive since there are new types of land uses that corporate industrial parks have these days. Also the appearance can be approved by regulating signage and outdoor storage. The flooding and stormwater management recommendation is to continue to pursue buyouts, to direct public and private investment out and away from the flood plain and to continue to push the Army Corps for their long promised study of the upper Susquehanna watershed, which they are now initiating. The recommendation is to adopt solar and wind regulations, which is something that is already being worked on. There are also a number of updates to the laws that are being recommended such as definitions and reducing the number of zoning districts. He said this is the plan that is being presented by the Steering Committee but it is the town's plan and the Board has to adopt the plan. After a review by Board members they should contact his office with any changes. Once adopted it will become the vision of the town for the future.

Councilman Grubham said he is hoping they can schedule a public hearing for the October work session, which should give everyone on the Board time to review it. It can then be accepted at the November 1st meeting. He also thanked Mr. Evangelisti and his staff, noting that this was quite an undertaking and their help and direction was needed and appreciated. He added that after this is accepted by the Board they will still have to go through all the codes, rules and laws to have the changes made. It should be kept in mind there is still quite a bit of work to be done after this is accepted.

Mr. Evangelisti also recognized the work of Lora Zier of his office who went through all the town's codes and laws, and Stephanie Brewer, the County's Planner who did the bulk of the work.

Supervisor Kniffen said they all want to thank Broome County. When the Board initially looked at this they were getting quotes of \$8,000 to \$10,000 and Broome County only charged \$4,000, which is definitely appreciated. He also thanked the legal department and thanked the members of the committee for their service to their town.

3. Discussion – 2017 Tentative Budget. (GEK)

Supervisor Kniffen explained they have to approve the final budget by November 20th. He worked with Jim Smith on the budget and would like the Board members to review it and get back to him by Tuesday so a public hearing can be scheduled for the October work session and then the final budget can be adopted at the November 1st meeting. He noted there will only be a rate increase of 1 ½ cents per thousand so for the typical \$75,000 average assessment that would amount to \$1.09 for the year. Also, the charge from Broome County regarding the new agreement for dog shelter services went down from \$10,500 to \$7,489 which is a 27%

**TOWN OF KIRKWOOD
WORK SESSION**

September 27, 2016

reduction. He asked the Board members to review the budget and get back to him by next Tuesday with any questions.

4. Resolution – Approving the 2017 Preliminary Budget and Directing a Public Hearing for October 25, 2016 at 6:00 PM

Resolution.

5. Discussion – Boat Launch. (GEK)

Supervisor Kniffen explained that they went to DEC for financial help and manpower with a boat launch on the Susquehanna River in Riverside. He noted the project certainly had its problems. When it was all completed it wasn't acceptable to the town and after several meetings on how to fix the problem the town finally did complete it. It has been tested with a number of boats and it worked well.

6. Discussion – Committee for Assessor position. (GEK)

Supervisor Kniffen reported that the current Assessor has informed them that he will be retiring as of the middle of November. This position has been advertised for and 3 applications have been received. Although the current assessor will not be part of the interviewing committee, he did say he will give advice if questions arise. The committee to interview will be Councilwoman Yonchuk, Councilman Diffendorf and Councilman Weingartner.

7. Discussion – Resolution authorizing the Kirkwood Town Court to apply for the 2016 Justice Court Assistance Program Grant, in the amount up to \$30,000. (GEK)

Supervisor Kniffen explained that years ago the court applied for a grant and was successful in getting it. Now there are doors that need to be replaced and they want to install bullet proof glass. Councilman Grubham added that all the glass, including the glass in the windows will be changed. He also noted that the last time the court got a grant, the work was done prior to getting the money and then not all the money came through. He is recommending they get the grant money before they spend it this time. Councilman Diffendorf said whatever is done, it has to stay within the grant money. He said the rest of the Town Hall does not have bullet proof glass and it is not really fair to the rest of the people in the Town Hall. He did note that when the Court is not open people then come through the front door where there is no bullet proof glass. He said he feels the Court should be open when it is supposed to be. Councilman Grubham said Judge Coe has an estimate, but for the amount of money involved they would have to take bids on it. He reiterated that they will not spend any funds prior to receiving the grant money.

**TOWN OF KIRKWOOD
WORK SESSION**

September 27, 2016

8. Discussion – Resolution ratifying a resolution authorizing payment for mowing vacant properties at 640 Stratmill Road, 15 S. Sunset Drive, and 114 Ostrum Road to Tim Sisson Construction in the amount of \$700. (GEK)

Supervisor Kniffen explained that since this work has already been done they will need a resolution to ratify it.

9. Discussion – Irving Avenue. (ONB/RJC)

Supervisor Kniffen explained that Mrs. Green has been before the Board to express her concern about the road and asking if the town can help out. He said it is not an approved town road so there is very little they can do for her. There are other situations in the town like this and they are handled the same way. In those cases the people that live there maintain the roads. Mr. Blaise said he and Ray Coolbaugh did an on-site inspection of the area. He said it is a private roadway and there is actually an old gate where Cunningham's concrete business used to be. Past Cunningham's there is a multi-unit building, then Mrs. Green's house and an additional house. There is actually a private driveway that cuts down from Irving Ave., kind of a driveway back to Francis St. and Mrs. Green actually has that posted - private drive, don't come through here. He said it is clearly understandable why she wants help maintaining it, since it is a dirt path and you can see where someone graveled it before and it can get messy. The town has a fire hydrant across the roadway from Mrs. Green's and has a utility easement to get there. It is not a public thoroughfare, but basically a dead end – a big long driveway. He said if the town wanted to take it over they could, they would just need to get the permission from the property owners to basically deed the property to the town and then it would be a town road. The advantage would be extra CHIPS funding for it, but not much, since its only maybe a couple of hundred yards, but it is in rough shape. If it were to be a town road they would have to bring it up to town specs which would be a pretty significant investment. He added, as others have noted, there are several other areas in town where residents could make a similar claim, where there is a shared driveway or a common private roadway, that he's sure the residents would be happy if the town took over the maintenance of. It is a decision of the highway department and the Board as to whether they want to take this over. He noted there would be a fair amount of legal work as well as labor and materials to get it up to town specs. It would certainly help out the residents and any businesses that may want to locate there. He said there is no question in his mind that it is currently not a town road and there is no obligation on the town's part to take it over. Supervisor Kniffen said there are a number of roads in Riverside that go to the river that are private roads. Ray Coolbaugh said there is also one on the other side of the railroad tracks across from Crescent Drive as well as about 6 others as you go down Route 11.

Supervisor Kniffen said this is a problem because someone may live on one of the roads that have not been accepted by the town but they pay the highway tax. Councilwoman Yonchuk said she lives on a county road, as do many others, and the town does not take care of her road either. Supervisor Kniffen said that is not the same because the county takes care of those

TOWN OF KIRKWOOD WORK SESSION

September 27, 2016

roads. Councilman Weingartner said his driveway is about 400 feet which is probably the distance of Irving Ave. but he takes care of his driveway. He said this woman also has a driveway going up to her place from the other end, from Francis Street.

Councilman Diffendorf said he thinks originally Herb Heath had a plan and he had paper roads there and that's why there are sewer lines there but the roads never got put in. They built houses on Alexander but there is no road. He believes that before Cunninghams had their warehouse up there or anything, they came in from Francis Street.

Ray Coolbaugh referred to a roadway that goes down the hill, saying that he thinks it was deeded so they could use it as a right of way, way back when Crockers lived there. Then the house was sold to Roger Batzel and Roger doesn't know if the right of way is still valid because the original person is no longer there. Mr. Blaise said that is all private civil issues between the people that live in that area.

No action will be taken on this matter.

10. Solar Study Committee. (GEK)

Supervisor Kniffen explained that the Governor has dictated by the year 2030 solar will be relied on for energy and it will become an issue for all municipalities. They have been to various seminars and meetings with people speaking for and against solar energy. He feels it is time to form a committee to study it for Kirkwood. He said the thought is to work with the Town of Dickinson in this regard. In meeting with Mr. Blaise and Dickinson Supervisor Mike Marinichio, they thought that by working together to come up with something that would work they could save a lot of municipalities in Broome County some time. Also this might help the two towns to get their a bit quicker. He said they would not meet every time with the Town of Dickinson, but each town would meet independently and from time to time meet to share their progress with the ultimate goal of bringing a product to the Town Boards for consideration and discussion. The Town of Dickinson is appointing a committee and Supervisor Kniffen appointed the following as a committee in Kirkwood: Marchie Diffendorf, Todd Grubham, Chad Moran and Oliver Blaise. He will give them more direction in this regard in the near future.

11. Discussion – Town Garage. (GEK)

Supervisor Kniffen explained that since the floods of 2006 and 2011 the town purchased property in consideration of possibly building a new town garage, since the garage was seriously flooded in both floods. He said it is time to see where this is going, and if they are still going to consider relocating they should start putting money aside for it. If they were to rebuild they have estimates of over \$1 million. They need to look at how well they are protected and what has been done and changes that have been made to the building since the flood. The highway department has moved many of the files upstairs out of harm's way. They have done other things that do not make it flood proof but should help to lessen the damage as compared to the other 2 times.

TOWN OF KIRKWOOD WORK SESSION

September 27, 2016

Currently they are carrying \$500,000 flood insurance on the garage and \$133,000 on the contents at a cost of about \$5,000 a year. They have given more information to the insurance company as to what the insurance paid out the first 2 times and how much money they got from FEMA, so they can get a better idea of what kind of damage there would be if they get flooded again. They want to see if the insurance is sufficient or if they should buy more for additional protection. Then the options open up that maybe they don't relocate but stay there. He said Councilman Grubham is also looking at putting a skin on the existing building. If they go that route then maybe they would want to sell the property they bought.

Councilman Grubham said it is not just about a skin on the building. He said they obviously don't have \$2 ½ million to build another building for just the highway department. He said they can do a lot for a lot less money than that. There are a lot of code items that need to be addressed to bring it up to code, then a new outside, a new roof and possibly solar panels on the roof since it sets perfectly for that if they get to that point. There is a lot that can be done with the building. This all would be way under the \$2 ½ million to build new. He said they should decide what the number is that they can live with to do the work on the existing building and see what they can fit into that number. Supervisor Kniffen questioned Councilman Grubham as to whether or not he thinks they should do anything with the building, or just protect it. Councilman Grubham said he thinks there are things they should do. In regard to code items, he said the ventilation is not correct, also the heating system. If they are going to keep the building they definitely need to put some money into it. He is suggesting they put on a new roof and a new outside, although they would not have to do that. He said they should determine how much they are willing to spend on the building. Supervisor Kniffen and Councilman Grubham will work on this.

Councilman Weingartner questioned if they are looking at what the difference is between trying to get the money together to build something new as opposed to rebuilding and fixing the existing building and continuing to pay the \$5,000 to \$6,000 a year for flood insurance.

Councilman Grubham said the problem he sees with the numbers on the insurance is that it's his understanding they will only pay for the actual damage. If the building is insured for \$500,000 and there is only \$200,000 damage, they will only pay \$200,000. They have to be careful not to over insure thinking they would get the higher amount. Ray Coolbaugh noted that in addition to the deductible, they pro-rated everything in the past. He said the last claim was \$157,000 for all the inventory. Councilman Grubham said the improvements should help so that number shouldn't be as high again. He said in that case he doesn't see why we would increase the coverage.

Due to the fact that the building has been flooded twice, Councilwoman Yonchuk questioned if the structural integrity of the building is sound. Ray Coolbaugh said there was no structural damage. They could not get FEMA money for a new garage since the damage was less than 50% of the value. Supervisor Kniffen said there still is the question if FEMA would continue

TOWN OF KIRKWOOD WORK SESSION

September 27, 2016

to contribute in the case of another flood, even though they carry flood insurance, which is a criteria to get FEMA aid.

12. Discussion – Update of Water Pump Station. (GEK/RJC)

Supervisor Kniffen explained the discussion regarding this began with the request to run a water line across the river from Kirkwood to Conklin at an estimated cost of \$60,000+. The Town of Conklin has already approved this but Kirkwood wants to do additional research in this regard. This led to discussion about the pump station at the city line which hasn't been used in years, although years ago Kirkwood did purchase water from the city and it would be an emergency situation if they needed to purchase it again. In the meantime the pump station has gotten out of date. Ray Coolbaugh said the estimate he received is a lot more than they thought it would be. It is a turn-key situation and the building would be almost new for a cost of \$123,500. That would be using the same pipes, sand blasting and painting it, cleaning up the inside of the building, fixing the concrete, putting in new heat, pumps, valves, sensors, and VFDs. Supervisor Kniffen said this is a lot of money and it is unfortunate that it was not kept up to date. They need to compare this versus running a line to Conklin.

Councilman Grubham questioned if there might be any grant money available to run the line across the river. He would think between Conklin and Kirkwood this could be looked into. John Finch said Conklin looked to IDA for money with no success. Councilman Grubham said there are many agencies they go could to.

Councilman Diffendorf questioned if Kirkwood needed it tomorrow if they could get water from the pump station. John Finch said the pumps have not been turned on but there is a chance they could turn them on and get water, although it would be rusty and the hydrants would have to be flushed. John added that it was not working when he came here. Ray Coolbaugh said according to paperwork they found, per Dick Jones the last time it was run was in the mid 1980s. Councilman Diffendorf said John Finch Sr. used to run the pump once a year to make sure everything was working and Kirkwood would get a small bill each year for that. He remembers this because he was always the one who questioned the bill. He said he thinks they really need to get this done and find out if they can get water or not because they need to have a backup if something should really happen.

John Finch said some things in the quote would not be needed. All the town is looking for is to be able to turn the pumps on and pump water. A discussion at this point between John Finch and Ray Coolbaugh about VFDs. Although it should be tested every year, Councilman Diffendorf said it should only be used for emergencies.

In regard to Conklin, Councilman Diffendorf said he was told that they were low on water this year, that Susquehanna Valley could not even water their football field. This was not verified. He said he definitely thinks they need to do whatever needs to be done to get the pump station going and going now.

TOWN OF KIRKWOOD WORK SESSION

September 27, 2016

Supervisor Kniffen questioned if they turn it on to see if they can get water, what the longevity would be of it working if needed for a few days in an emergency and wouldn't that be risky since that can't be answered. Councilman Diffendorf said he is not saying that is what they should do but they need to be able to get it fixed and count on water from the City of Binghamton since they don't even know if Conklin can supply Kirkwood with enough water. He said his first priority is to get the pump station updated rather than go with the line to Conklin. Councilman Grubham questioned if they can refine the numbers regarding the pump station to see what it is without all the extras. Ray Coolbaugh said with the estimate received the pump station would be just like it was when it was built. Councilman Grubham said they might not need that degree of fixing. Ray Coolbaugh said there is someone who could come here and discuss other ways of doing it.

Councilman Grubham questioned if Kirkwood has a contract with the City and what the cost of the water is. Supervisor Kniffen said we did have a contract at one time but he would have to look into it. Councilman Grubham said we should talk to the City about it, that it is hard for him to believe they would just rip us off. He did note he realizes Kirkwood would have to pay more for it, noting that Kirkwood charges outside users 1 ½ times the rate. Councilman Diffendorf said he believes it would be 1 ½ times from the City but their cost is a lot higher than ours since Kirkwood produces water very cheaply.

In response to Councilman Diffendorf, Ray Coolbaugh said Griffith Engineering would design the work. Councilman Diffendorf said they would be looking at a standby system, not a system for everyday use. Supervisor Kniffen questioned if they would want to get a refined quote to compare with the water line to Conklin. Councilman Diffendorf said in his mind they want to tie in with Binghamton since they are not sure if Conklin can supply the amount of water needed. He noted that Frito Lay uses a lot of water and then add to that all the other water users. Ray Coolbaugh will look into a new quote for the pump station and Supervisor Kniffen will contact the City of Binghamton.

13. Audit of Claims.

Resolution.

14. Generators.

In regard to funding to protect the generators for the wells in the event of future flooding, Supervisor Kniffen reported there are no grants available. Although he questioned Budget Officer Jim Smith as to whether they should start putting money away for this in the water and sewer budget, Mr. Smith said there is enough to do that project.

15. Water Charge Complaint.

Councilman Weingartner referenced an email received from a resident noting a concern regarding a \$25.00 charge for a final water bill, and requesting a refund since, according to the resident, nowhere in the code book for the Town of Kirkwood does it state this charge. This will be looked into.

**TOWN OF KIRKWOOD
WORK SESSION**

September 27, 2016

16. Executive Session.

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.

All voted in favor.

MOTION CARRIED.