

**TOWN OF KIRKWOOD
WORK SESSION**

April 25, 2017

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
John A. Finch, Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman

1. Opening Bids

All bids opened by Councilman Diffendorf.

(2) Ford Super Duty F-550s

Total bid for both trucks:	Chenango Sales Inc.	\$93,831.20
	Scranton Dodge	\$104,386.00

Councilman Diffendorf noted a non-collusive certificate was not included with the bid from Scranton Dodge.

Loader	Bid (Before Trade)	Bid (Including Trade)
Five Star Equipment, Inc.	\$141,868.00	\$116,868.00
Monroe Tractor	\$161,687.55	\$114,687.55
Tracey Road Equipment	\$127,842.00	\$ 98,842.00
Vantage Equipment	\$139,160.00	\$112,160.00

Howard Street Sewer Project

Vacri Construction	\$75,000.00
ZMK Construction, Inc.	\$51,891.00

In response to Supervisor Kniffen, John Finch said they annually use the camera to inspect about 1 ¼ miles of sewer lines, and this year they stopped at about 2,000 feet since they found a problem on Howard Street which avoided them spending about \$11,000 by not continuing to inspect the line. Resolutions.

2. Discussion – Hiring summer help for Highway and Water/Sewer. (JAF)

John Finch explained that he would like to advertise early in May to hire one part-time person to float between the highway and water and sewer departments as needed from June 5th through the end of August (90 days). Resolution.

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3. Discussion – Purchase of a 2010 Broce Broom from Town of Sherburne at a cost of \$24,000. (JAF)

Due to Sherburne’s mistake this equipment is no longer available to purchase.

4. Discussion – Sealing Basketball Courts. (JAF)

B&G Sealcoating	\$3,555.00
Triple S Sealcoating	\$5,981.00

(All four combo price is \$4,629.00)

John Finch said the above prices have been submitted as the cost to seal all four of the Town’s basketball courts: 2 at Valley Park, 1 at Veterans Park and 1 at Grange Hall Park. He said the price includes striping them as well. He questioned if the Board would be in agreement to seal all of them, noting that he can’t remember the last time they were sealed. He said two of the courts have big cracks and they would mill them down and patch them before having them sealed and the company would seal coat the rest of the cracks. Councilman Grubham added there is money available in the parks reserve fund to cover the cost. He agreed that it’s been a very long time since they’ve been done. John explained the \$5,981 bid from Triple S Sealcoating is the total amount by bidding each court separately as opposed to the \$4,629 price which is for all four courts at once. Supervisor Kniffen added that the posts should be painted as well and the nets replaced if needed. Resolution.

5. Discussion – Kamp Property – 10 Mary Street. (JAF)

John Finch explained that someone from the Kamp Estate called noting possible interest in selling 10 Mary Street which is between the Town’s lower lot at the highway garage and the lot up on the hill. The Town has been interested in purchasing the property in the past but this is the first indication that they are considering selling it and they would like an idea what the Town would be willing to pay for it. It is .59 acres at a full value of \$1,887. It would be beneficial to the Town by allowing them to build a road from the lower lot to the upper lot. John suggested offering \$2,000 and paying whatever fees are involved to transfer the property. In response to Councilman Diffendorf, Mr. Blaise said an appraisal would not be needed due to the low value of the property.

6. Discussion – Rates of Pay for Temporary Help. (GEK)

See minutes of April 25, 2017 Special Town Board Meeting.

7. Discussion – Highway Schedule Change – Four (4) ten hour days. (JAF)

John Finch reported he is looking into changing the work week to four ten hour days for the summer months from June 5th through the last full week of August. He provided some information compiled by Paul Sweeney from Oliver’s law firm, as well as information from the Town of Binghamton. He said if the Town does decide to pursue this, Mr. Sweeney suggested making it a pilot program where the Town could terminate it at any time if it doesn’t work out.

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John said if it does work out then it could be implemented into the next year. According to other towns the big advantage is getting more work done, especially in the afternoons. John talked with Bob Firmstone who said if the Town is in favor of it he would talk to the employees and they could put a Memorandum of Understanding together and amend the union contract until a new contract is written.

Councilman Diffendorf said he thinks four ten hour days is a good idea because they could get more work done in a day without breaking down and cleaning up. He did note a negative would be when a storm might come up on a Friday, which would normally be a work day at straight time, getting into the overtime issue. He thinks the amount of work they would get done in four tens would be worthwhile. John Finch said the towns of Binghamton, Windsor and Dickinson as well as others implement this in the summer. Mr. Blaise said a resolution would be needed to adopt the MOU with the union signing off on it as a pilot if the Board as well as the union agree to proceed. According to John the work day would be 6 AM to 4:30 PM Monday through Thursday. In regard to the water and sewer employees, John said they are considering alternating a Monday and a Friday, but if that doesn't work they are fine with staying with the eight hour days. He noted it is different for them with having to check the stations on the weekends. He said it won't apply to the parks employees because they need to be there 5 days a week to get the parks ready for the weekends. If any minor issues arise on a Friday there would be someone from water and parks to handle it.

Mr. Blaise said because of everything involved, this couldn't actually be voted on until the June 6th meeting. At this point, John said 3 of his employees are for this change and 2 are against it. Mr. Blaise said if the Board is in agreement then Mr. Firmstone could meet with the employees, but they should hold up on drafting an MOU until it is determined whether or not the employees are in favor of it. Councilman Grubham said he is not necessarily in favor of it yet, stating that more can get done in four ten hour days but not when it's 90 degrees and most of the time it will be fairly warm. He said generally contractors work a five day week, eight hours a day, noting it is hard work. Councilwoman Yonchuk said she is for this. John said the benefit for the employee is they would have a 3-day weekend and the benefit for the Town is getting more work done.

Supervisor Kniffen said ever since we have had the union we have tried to treat the non-union employees the same and questioned if they do this if it should be opened up to everyone, if it would be fair if they are not included. Councilman Weingartner said this is a highway situation and life isn't always fair. This would be a situation where the secretaries would come in for four ten hour days and leave a building empty and that doesn't make sense to him. Supervisor Kniffen said he is just asking that it be considered. Councilman Weingartner said they don't now consider opening the town hall, the courts or code an hour earlier in the summer. He said this happens in teaching with some teachers having different schedules than others. Everything doesn't always have to be equal and he is against including office personnel. In regard to whether he is for or against the highway department going to four ten

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hour days, Councilman Weingartner said this is a case where he will defer to people who are in the field but with the note that heat can be an issue. Councilman Grubham said one of the reasons they now start at 6:00 in the morning is to try to beat the heat. Councilwoman Yonchuk said they are looking at this with the benefit for the employee of a 3-day weekend, but it does impact sick time, personal, time, etc. so it may not be perceived as a benefit in all aspects. She said she would be against including all the Town's employees on this schedule. Councilman Diffendorf said he thinks mobilization is a big thing, with signage that has to go up every day and breakdown, and because they have to come back to punch a clock, that takes up time. He did note that weather can be an issue, but that is what they always did on the building trade jobs he worked on. Since there are positives as well as negatives, John Finch said that is why he likes Paul Sweeney's idea of trying it as a pilot. Councilman Grubham said he doesn't feel it would be fair to the taxpayers if everyone was included because they would lose a day for anything they might have to take care of at the town hall. Supervisor Kniffen said they have cut back hours in the code department to save money.

Mr. Blaise said the next step is for John to inform Bob Firmstone that the Board is interested, then if the employees are as well they will work on the pilot agreement. In response to Councilwoman Yonchuk, John Finch said the reasons he was given that two of the employees were against this is because one employee plays golf and the other is concerned about the heat. In regard to vacation time, it would be based on hours and John said there wouldn't be problems with scheduling vacations since he has already set it up as to when they can't take time off because of paving, etc. He said the highway department will be shut down the week of the July 4th holiday, so that will be a fairly long holiday for them. This uses up a lot of their vacation days and they can also plan ahead. He said the parks and water departments will not shut down.

8. Resolution ratifying a resolution authorizing Supervisor to enter into an agreement with D.E. Nolan Builder for the construction of a 26 X 48 pavilion at Veterans River Park, at a cost of \$21,414.00, in accordance with the attached agreement.

Resolution.

9. Discussion – Resolution establishing hourly rates of pay for Temporary Help and Board of Assessment Review for the remainder of 2017. (GEK)

See minutes of April 25, 2016 Special Town Board Meeting.

10. Discussion – Draft Solar Energy Local Law. (ONB)

Mr. Blaise explained that about a year ago the Board passed a moratorium on solar energy development so they could study the issue. After numerous committee meetings, on behalf of the committee he presented a draft of a Solar Energy Local Law for the Board's review and

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consideration. Since the moratorium is for one year, after the Board's review he would like to get it scheduled for a public hearing to be held at the end of May and ideally adopt it at the June regular meeting. If more time is needed, they could extend the moratorium or for a short time be without anything in place. If the Board determines the law is acceptable, he will submit it to the County for 239 review. Mr. Blaise noted that it is based on the Town of Chenango's local law so the 239 review has already been vetted through the County.

Mr. Blaise said there is a distinction between residential and commercial solar uses which basically deal with roof mounted or building mounted systems and ground systems. Anything in residential will go through the code office and be part of the normal building permit process, with Chad ensuring that the roof will support the structure. On the ground mounted systems, in side or rear yards, but not front yards, the height restriction is 12 feet but a variance can be applied for. He noted one example of existing panels that Marchie measured at 21 feet but they are behind the house and out of view and not an aesthetic problem. After a local law is in place if someone wanted to put that height in they could go to the ZBA to get a variance.

Supervisor Kniffen questioned Chairman Diffendorf as to whether there is such a thing as solar shingles. Marchie said he has heard of them but he doesn't think they are very popular or very efficient. Councilman Grubham said there are companies that sell them. Mr. Blaise said it is still a solar installation so they would have to go to the code office.

In regard to commercial, Mr. Blaise said the committee put in a minimum lot size of 5 acres. He said commercial is basically something where the power will be transferred to the grid. In a residential district someone would have to go to the Planning Board for a special permit but in commercial and industrial districts it is permitted. In regard to commercial, it has to be the primary use on the property so a house on the property wouldn't be allowed. Mr. Blaise said there is a lengthy permitting process, basically site plan review, that is gone through with the Planning Board. He noted that committee member Todd Grubham was helpful with this information. A performance bond will have to be posted in case a company goes out of business and the town has to step in.

Supervisor Kniffen noted that Marchie is the Chairman of the Planning Board and he serves the Town in a lot of other ways as well, as a member of the comprehensive plan committee, Chairman of the solar committee and he attends numerous seminars.

11. Discussion – Possible Purchase of a Tractor. (JAF)

John Finch said the Town sold their 2002 Volvo to Windsor for \$18,000 and this 2002 New Holland tractor with a 7 foot flail mower he is looking is on Auctions International. They are looking at selling the 1991 Ford tractor they have which currently has 3,025 hours on it. The 2002 New Holland has 3,017 hours on it and was owned by another municipality. He spoke with them and they said everything works good and the only reason they are selling it now is because they bought a new one so it is no longer needed. It has a side flail mower which is nice

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because the one they have now is a rear mount flail mower and they can't get off the edge of the road more than 3 feet at the most. With the new one they would be able to get a full 7 feet off the side of the tractor so they could get a lot more of the shoulders mowed down. He said according to New Holland a new mower would cost about \$50,000. He would like approval to bid on the tractor, noting that bidding ends tomorrow night at 6 PM, and he is looking for the amount of a maximum bid he would be allowed to make. He asked that the Board keep in mind they do have the \$18,000 from the sale of the truck plus the sale of the 1991 Ford which he is expecting to get between \$3,000 and \$4,000 for. He would have \$21,000 available but he said he obviously does not want to spend that much money on it. In response to Supervisor Kniffen, John said this would save labor. Councilman Weingartner questioned if the flail mower on the 1991 Ford wasn't purchased new within the last year or two. John said it was and he would have that mounted on the back of the New Holland and use it in conjunction with the new mower and they then could actually mow 15 feet wide if they had to. He noted that would work well at the water tanks. Mr. Blaise said a resolution would be needed authorizing John to bid on the tractor with a maximum bid number. Councilman Grubham said it could possibly be less than \$17,600 and at least they would be breaking even. Noting that they have been spending a lot of money lately, Councilman Weingartner questioned if they weren't counting on the money from the sale of the Volvo to pay for some of the tools, but John said that is not the case. Councilman Grubham said so far everything has been covered by whatever has been sold or FEMA money. It's not money that wasn't available or wasn't in the budget. John said he is trying to keep the Town's equipment up to date and this would update their tractor by 11 years and it wouldn't cost hardly anything. Supervisor Kniffen said in authorizing \$17,670 versus paying \$50,000 for a new one and what this could do for the Town, he questioned if they should authorize a little higher amount. John said New Holland checked on this for him and said the tractor alone is worth between \$10,000 and \$12,000, not including the flail mower, and for that type of flail mower brand new, it would be worth \$15,000 and \$20,000. A used flail mower would be worth between \$5,000 and \$8,000 so when added together it would be between \$16,000 and \$18,000. Councilman Weingartner noted there is a 14% buyer's premium. Since he feels this is a good purchase, Supervisor Kniffen questioned why they wouldn't give John some breathing room if he needs it, even if they add on \$3,000. After discussing all the options, it was determined the Board would approve a maximum bid of \$17,500, so including the buyer's premium it would amount to less than \$20,000 and competitive bidding wouldn't be an issue.

12. Audit of Claims.
Resolution.