

TOWN OF KIRKWOOD WORK SESSION

May 30, 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
Duane Travis, ZBA Chairman
John Mastronardi, Engineer

Road Rehabilitation Project.

Supervisor Kniffen explained that one of the big issues the Board is dealing with is a rehabilitation to local roads project. At the last meeting it was noted that when they were looking at natural gas drilling coming to NYS they were looking to protect town roads so at that time some core samples were taken specific for that so to retrieve those would be helpful with the new project.

John Mastronardi said they sampled three roads in 2008; Fox Hollow, Foley and Gorman and found that all three roads had a very good sub-base and were able to support some heavy traffic loads for something like the natural gas drilling industry. He said John Finch is planning to repave Fox Hollow and Gorman and it appears those roads, without inspecting every lane mile and based on the 2008 report, could support an overlay as opposed to other options. There are a lot more roads than those two that John Finch is looking to overlay. Councilman Grubham said they might be able to extrapolate that because if these roads are like that maybe the other roads on the proposal would be similar. John Finch said the Highway Superintendent that did the roads years ago told him that Fox Hollow, Duell and Springer were done at the same time by Vestal Asphalt and they would have a real good gravel base. All the roads on the south end, with the exclusion of Burts Road, all had a good base put in as well. John said the only road they foresee they would have to do work on before any cold mix is put on is Burts, and he would recommend mixing in gravel and compacting it one year and then put the cold mix on the next year.

Councilman Grubham questioned if they do the roads and bond for 15 years, if the roads will last for 15 years without anything being done to them. John Finch said they would have to be checked periodically and put a top coat of oil and stone on them, but with the base already being there and with another layer of cold mix, these roads (which were done in the 1980's and 1990's) have held up this long and it is at the point where it is the top that is an issue, the base

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is still good. In response to Councilman Grubham, John said they would use CHIPS money to re-top it when the time comes. It was noted that the cold mix is 70/30 – 70% asphalt.

John Finch said he has been in contact with Cornell who will come and look at the roads, and based on what they see recommend what the best course of action would be. This is free to the Town. Councilman Grubham suggested they have this done before they commit to this project. John will contact Cornell for a time frame for them to come. In regard to a timeline, Councilman Grubham verified that nothing would be done regarding the bonding project this year. John said his year they are planning to blacktop Fairview, S. Sunset, Kirkwood, Colton, Page and possibly N. Sunset, depending on how the sewer project in that area goes. They will be doing the cold mix on Woodlawn. The entire length of these roads will be done as well as the roads for the bond project. In regard to Gorman Road, although part of the lower part was done a few years ago with oil and stone, John said it would be beneficial to do the whole road because if they don't in another four or five years the oil and stone area would need to be done, since the cold mix is more permanent than oil and stone. John Mastronardi suggested they have Cornell look at the roads and make recommendations. Councilman Grubham agreed, if it can be done within a reasonable length of time, that he would like to see that happen. John Mastronardi said the only other option would be to employ a geotechnical engineer to sample the roads and analyze them. In regard to the bottom half of Gorman Road, John Finch said that area won't cost as much to do as the other areas that are worse, because those other areas will require two coats and at the bottom of the road they may not need to put the extra layer on it, so that would save money to use on another road.

Councilman Grubham questioned why some roads have been left out altogether. Councilman Weingartner said he believes that is because those roads have been repaired with CHIPS money in the past and can't be touched for a certain amount of time. Councilman Grubham questioned why the worst road in town and the most heavily traveled, Barlow Road, isn't getting anything done to it. John Finch said if the price comes in a little less he would like to do Barlow with bonding or possibly do it this year instead of N. Sunset. He does have a concern about paving N. Sunset with the sewer line going in this year and possible settling. He may put off N. Sunset until next year and do it with CHIPS money and pave Barlow this year instead. He said they are about the same length.

Councilman Grubham questioned once they decide to do the bonding project, if it would be written in stone as to the roads to be done or if that can be changed. Mr. Blaise said they are bonding for the money to do a paving project and they are not locked into which roads they can do. Councilman Diffendorf questioned if they would take the money all at once for the bonding project. Mr. Blaise said it would depend on what they want to do, noting that it can be in phases or all at once. He said they have to stay within reasonable parameters of what they bond for and if they don't spend the money it can be used to pay back the bond. The money would have to be used for road paving only, no other project. Councilman Grubham said his recollection is that Jim Smith said they would borrow for two or three years and then finalize it

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in one package. John Finch explained that the money to pay for the project would come from: \$40,000 from permanent improvements (which is now \$80,000), \$25,000 from general repairs and \$60,000 from sales tax revenue. To ensure that the money is used appropriately, Supervisor Kniffen said the highway department will establish new line items dedicated to this project.

Connor Brown Benefit Concern.

Dorothy Guthrie of New Milford, PA, addressed the Board on behalf of Connor Brown's family, stating that she was in the same situation 40 years ago as Connor's mother is in today. There have been several benefits but she referenced the benefit held at the Kirkwood Fire Station on April 30th. She said she donated a lot of money to the benefit and won two baskets which she donated to the mother. She has been in contact with the mother and 30 days have gone by and she had not heard from the Fire Department. She said as of today the mother received a phone call from the Kirkwood Fire Department's lawyer and she is waiting for them to get back to her. She said she has dealt with benefits and usually the money is turned over quickly and it doesn't and shouldn't take 30 days. She expressed her concern about this because this money was raised for the family and they will need the money for counseling. Marchie Diffendorf, a member of the Kirkwood Fire Department, said his information is that there has been a trust set up through an attorney which the children will benefit from in the future. Although it was noted that Mr. Blaise is the Attorney for the Fire Department as well as the Town, there is another attorney for the trust who oversees the handling of it. Mr. Blaise said once the money is turned over to the trust, that attorney would be responsible for the money and the Fire Department would be out of the picture. Marchie Diffendorf and Councilman Weingartner expressed a concern that the integrity of the Fire Department was being questioned. Councilman Weingartner said he is a teacher as well, and he knows that the Fire Department is above board. He said firemen take time out of their day to bring fire trucks to the school for field days and noted that money that is turned over to a trust is used for a specific reason. Supervisor Kniffen will look into this and get back to Ms. Guthrie.

1. Discussion – Insurance Claim for Water Department. (JAF)

John Finch explained that an insurance claim was filed for a hydrant that was hit during the week of April 17th of this year in the Industrial Park by the UPS terminal. No one claimed responsibility for it. The valve, which was 12 feet deep, broke and started leaking when they shut it off. Since they are not capable of handling digs that deep they called a local company, Gary Dyer, (Poe Williams and Suburban Septic could not handle it). The total cost for the entire repair was \$13,803. This was a covered claim and the Town had to pay the \$5,000 deductible. Payment of \$8,802.82 has been received from the insurance company, which included the bill from Gary Dyer of \$5,663.75. John submitted a detailed list of all the expenses involved.

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2. Discussion – Donation from Fair Committee. (JAF)

John Finch reported that the Fair Committee recently discussed the \$4,000 donation to the Town from the 2016 fair. He presented a recommendation to use part of the money to purchase a video camera system and TV monitor at a cost of about \$500 for Veterans River Park. John will install it. If there is any vandalism they can play the video back. They might not be able to see everything but it does have night vision and the sight distance is quite far. He thinks it would be money well spent because they do have quite a bit of vandalism at the park. It would be up to the Fair Committee and the Town Board where they would like to spend the remaining \$3,500. Councilman Grubham said they were supposed to redo the flat area inside the Veterans Memorial at VRP last year. It didn't happen, but the pricing he got was around \$12,000, so they would need all the money and more to clean that area up. He said he doesn't feel the vandalism is that bad and he has a little problem with cameras watching everyone all the time. He said he would still like to get the Veterans Memorial done and he thinks that's where the money should go. Supervisor Kniffen said he will look into where they could get the money for the Memorial and report back next week. Councilman Diffendorf said he doesn't see a lot of vandalism and he doesn't think the cameras would catch who was in the park. Judy Sopata, President of the Fair Committee, said she is at the park quite a bit and every time she goes down to the park something is broken, written on or stolen. She said they are giving the money to the Town to do with as they want. She also noted that there is another fair this year and they will be donating again and they want the money used at the parks. Supervisor Kniffen said they should buy the cameras and redo the Veterans Memorial as well, hopefully this year. Councilman Grubham noted that he still has a problem with the cameras and he doesn't think it is that serious of a situation.

Judy Sopata questioned what the Town's position would be as to whether or not to allow some sort of a dog show at the fair this year, citing a liability concern. Supervisor Kniffen will look into it.

3. Discussion – Bonding for Roads. (JAF)

See discussion above "Road Rehabilitation Project". Supervisor Kniffen noted this is on hold until they hear from Cornell.

4. Discussion – Meadow Lane Speed Limit. (JAF)

John Finch reported that a speed limit sign was set up on Meadow Lane for 15 days by the Sheriff's Department to monitor the traffic flow. The speed limit on Meadow Lane is 30 MPH and the average speed for those 15 days was 21.17 MPH. He said a couple of times someone went 43 MPH. The stats show that speeding is not really an issue on that road. Supervisor Kniffen said that Mark, a resident on Meadow Lane, brought this to the Board's attention. Since this is a short road and most of the traffic is local, Supervisor Kniffen said he suggested to Mark that he talk to his neighbors. Councilman Grubham added that a State Trooper monitored it as well recently, so apparently Mark called them. Supervisor Kniffen said

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although he understands wanting to keep a neighborhood safe from traffic and people speeding, in this situation it is such a small road and he feels the problem is internal. Councilman Diffendorf added that Mark wanted a speed bump put on the road and he told him that was never going to happen.

5. Discussion – Utility Box for Water Department Truck. (JAF)

John Finch said they recently purchased a new Silverado $\frac{3}{4}$ ton pickup for the water department and they currently have another Ford $\frac{3}{4}$ ton truck and also a utility truck, which is an old Army truck. He would like to get rid of the Army utility truck and 8 foot box and purchase a utility box for the new Silverado. He would sell the truck and old box. He is still in the process of getting prices but it looks like between \$9,000 and \$9,500 for a utility box. The money they get from the sale of the Army truck and the utility box would help offset some of the cost and they would also be getting rid of one extra piece of equipment that they don't need. Supervisor Kniffen said he would rather they not have any Army trucks because otherwise they have a nice fleet of trucks with the Town of Kirkwood logo on them. He said they are always trying to build up Kirkwood and they have the parks looking even better now with the basketball courts lined and he doesn't think it looks good with the Army trucks on the road that don't identify Kirkwood on them. John said this was not budgeted for this year but Jim Smith said there is plenty of money in the reserves and now would be a good time to do it. Councilman Weingartner questioned if it could wait. He said that John has been spending a lot of money, which is good, on new vehicles and equipment and he thinks that maybe they could wait until next year and put it in the budget with a little better planning. John said his theory is that he would like to get the 8 foot box off before winter and it wouldn't have seen any winters and they would be able to get more money for it. He said they probably could get about \$1,500 to \$2,000 for the box, noting that it is undercoated and has a bed liner. Councilman Grubham said he is in favor of doing it now but he hopes they don't get into a situation just because they think they have a large surplus and can spend a lot of money on things, adding that surpluses tend to go away pretty fast at times. Councilman Diffendorf questioned if sewer would be paying for some of this as well. John said the split would probably be 75/25. Both Councilman Diffendorf and Councilwoman Yonchuk said they have no problem with this as long as there is money there. Although the money is there without raising taxes, Councilman Grubham said they have to set down at some point to decide how much they actually have in surplus and how they are going to use it.

Supervisor Kniffen said he feels a need to expand on this because people have heard at the last couple of meetings about spending money in the highway department because they have surplus, etc. A taxpayer might question why taxes aren't lower if the Town has that much money. He said there is a reason for that and part of it is by design. When Joe Griffin was still the Supervisor, the Town was criticized because at that time the State thought the Town had excessive surplus funds. So that was used up and it was related to the tax rate. Then to try and look ahead to see what was needed to be done, at budget sessions they were actually projecting that they were going to raise taxes and said why. They projected out a number of years that

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they were going to raise the taxes to get back on safe footing because while surpluses shouldn't be excessive, they should have that rainy day money. That's just good financial management. As that happened, the Board did raise taxes but not near what they projected, and kept the tax increase down. Also, they have to estimate sales tax revenue and as he noted at the last meeting the first quarter this year they got a big sum and if it continues for the next three quarters it will add to the surplus. He said that if there is something in the budget that they don't have to spend then that goes into surplus as well. So it is a combination of things. The tax rate is only pennies a day on a \$75,000 home, which is the average assessment.

**6. Discussion – Purchase of a JJAG Wing for one of the new F-550s.
(JAF)**

John Finch said a JJAG Wing is the wing that goes off to the side of the 550 pickup trucks and he would like to purchase one for one of the 550s to see how it works and if they like it, he would eventually like to purchase another one for the other truck next year. The Town of Binghamton has three 550s that all have a JJAG Wing and he's been told they do a great job on their developments and intersections, making quick work of them. He said he would be using money currently in the snow removal budget. John added this is a 5 ½ foot wing and it can be angled any way they need to. He said sometimes when there is a lot of snow they have to send the big trucks to the developments to push the snow back and this should be able to take care of that without doing a lot of damage to the roads and shoulders. Councilman Grubham said the biggest concern he has is that it is one more thing to keep track of while plowing snow, but he is in favor of giving it a try. The cost is \$5,600. John said there is no state bid price, but they get a municipal discount. Resolution.

**7. Discussion – Revised Agreement for Expenditure of Highway Moneys.
(JAF)**

John Finch said he has revised this by adding Fairview and S. Sunset and took out N. Sunset as of right now. Resolution.

8. Discussion – Summer Help for Water & Sewer and Highway. (JAF)

John Finch said they placed an ad for summer help for the water/sewer and highway departments starting next week and they only got two applications, one from a high school student who could start at the end of June and the other person in the meantime got a full time job, so they had no one to start at the anticipated start time. They have since received applications from other high school students. They now have a total of four applications who will be interviewed to start after school is out. At least three of the four are Kirkwood residents. They will only be hiring one of them. Resolution for 6/6/17.

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9. Discussion – Summer Hours for Highway Department. (JAF)

Mr. Blaise said the union agreed to all the changes that he wanted. He presented the final copy for the Board to adopt next week. He said this can actually start next Monday and when the Board adopts it next week it will be ratifying it. Mr. Blaise said this does not affect the benefit package because they will still be working the same number of hours and it is specifically stated that if an employee takes a day off (vacation or sick day) it will count as 10 hours instead of 8. He added that it has been agreed that this is just a pilot program so they can try it this summer and it ends in September and they can revisit it for the future. Councilman Grubham said he will go along with this but one of the things that bothers him is that they changed to a 6 AM start time in the past because the guys couldn't stand the heat during the day and now they are going to work 10 hours a day in that same heat. He does have reservations as to that part of it. They still will be starting at 6 AM. Resolution.

10. Discussion – Street Lights on Route 11 between Grange Hall Road and PA. (JAF)

John Finch said he was approached by some residents from Riverside between Grange Hall Road and the PA line inquiring about street lights. There is a concern that it is pitch black down that way since the only lights are at the intersections of Route 11 with Grange Hall Road and Nina Drive. Councilman Diffendorf said if they want street lighting there they would have to form a district and would have to petition the Board to do it. It was noted that the other light districts in town are not consolidated, it is just where they are formed because it is all different usage. There is general fund lighting that is for lighting at all the intersections because it is there for the protection of the whole community and district lighting is for the benefit of the particular area only. He said it can get complicated sometimes because of the location where the lights are installed and some people don't want to pay to be in a district. He said the people in the district would have to pay all the expenses. Councilman Diffendorf said each light costs \$120 per year but he does not know how much the installation fee is. Mr. Blaise said when the district is established, all of the costs to put up the lights is what gets assessed to the tax bill for all of the properties in the district and in addition to that there is the annual charge for each light. Mr. Blaise said there would be a bond issue for the cost of the installation which would be paid back by the property owners usually over ten years, which is in addition to the actual operating cost per year. Councilman Diffendorf said it will not be LED lighting because NYSEG does not install them. He said they would have to get a separate contractor to do that. Then if there is a maintenance issue the Town would have to hire someone to fix it. It would be included in the district costs. Although he is not saying they should do that, Councilman Grubham said he would like to know how much it would cost. Mr. Blaise said the people interested in this would have to have their ducks in a row because a majority of the people have to be in favor of it and it is ultimately up to the Board. Supervisor Kniffen will check with the City of Binghamton, which recently installed LED lighting.

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11. Discussion – Switching MO-Trim reach mower from Ford tractor to New Holland tractor. (JAF)

John Finch said they recently purchased a New Holland TL90 mower on Auctions International. He said they currently have two mowers, 1990 and 1991 Ford tractors. One has a flail mower, which is a rear attachment mower and the other has the MO-Trim reach mower. He said his intention when he purchased the New Holland was to put both mowers on it and eliminate both the 1990 and 1991 tractors. New Holland would have to send both the Ford and New Holland tractors to Ohio to the MO-Trim factory and have them changed over. The Town would have to pay for shipping and installation. He has not received a price for that, although he knows it wouldn't be cheap. In the meantime he checked with Monroe Tractor and they will take the MO-Trim off the Ford and retrofit it to the new tractor, which takes quite a bit of welding work. At the most it would be \$11,500 to switch the MO-Trim from one tractor to the other. The cost to cover that would be made up from the sale of numerous things at an estimated value of more than \$10,000, and they also still have \$3741.90 left over from the sale of truck #22 to Windsor. John explained all the specifics involved in that sale. John said with the sale of the equipment and truck to Windsor it would not cost the Town any money to move the MO-Trim from one tractor to the other. He said by having both mowers on one tractor they could do the shoulders and banks in one pass on all the roads (other than developments) and banks in the parks. John also provided the cost of a new tractor as well, which is \$37,869.00. He added that this would be done in Kirkwood by Monroe Tractor and they would cover all costs for any problems for six months and all the welds would be certified. It would take about two weeks to get the work done and they are ready to do it now. John said he should be able to get the \$10,000 for the sale of the equipment in about two weeks. Councilman Diffendorf said he thinks this can work although his concern is that it does work on this big of a tractor. John said that it is guaranteed to work. Councilman Grubham said he is willing to give it a try since the money is there to pay for it. Resolution.

12. Discussion – Tennis courts at River Park. (JAF)

John Finch said they are looking to upgrade the tennis courts at Veterans River Park. He has received three quotes but he will be coming back with revised prices since the quotes conflict from the vendors in regard to the number of cracks. He said filling the cracks is the most expensive part at \$25 per lineal foot. There is \$25,000 in reserves for this and John's estimate is between \$20,000 and \$24,000. Councilman Grubham said there is also fencing that needs to be repaired. John submitted an estimate of \$1,251 to replace both fences. He said between the repairs to the tennis court and the fence they will have enough money to do everything. He added that there shouldn't be any other issues after this. Since this will take the reserve fund down to such a small amount, Supervisor Kniffen said they should plan on adding to it so there is money in the future when they need it. Councilman Grubham said at some point the rest of the fencing will have to be addressed too. Councilman Diffendorf said the tennis courts are very expensive to deal with and over the years they have spent a lot of money on them.

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Councilman Grubham said although they received three bids for this, the contractors were not all bidding the same thing so he suggested that John write up a specification to submit to them so they are all bidding exactly the same thing, including how they would be doing it. John said they all use three coats of one form of acrylic sealer, although each one calls it a different thing it's all the same. They all use a mesh type system, with the big difference being the cracks. Supervisor Kniffen said he agrees that John should define what the Town wants done. John will submit specifications to the contractors for new bids. Resolution for 6/6/17.

13. Discussion – Auctions International. (JAF)

John Finch explained that he sent a contract to Mr. Blaise who did not have any issues with it. Instead of selling equipment at the County auction, which does not draw very many people, he would like to use Auctions International that has over 40,000 registered buyers on it. He said the Town would stand a lot better chance of getting more money for the equipment. They come and take pictures of the equipment, write up the listing and there is no charge to list it, the buyer pays all the premiums. A bid can be refused at any time if the amount is not what the Town is looking for. He noted that the premium is 14% for regular customers and 10% for municipalities, if paid for with a voucher. Councilman Diffendorf said he thinks this could be a good idea, adding that many times equipment has to be actually dragged to the auction, being only scrap metal sometimes. Mr. Blaise said he has other towns that do this and they like it.

**14. Discussion – Resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue license for the following mobile home – trailer parks, such license is for the year 2017:
Moore Mobile Home Park. 376 Johnson Road, Kirkwood, NY 13795
Owner: Josh Hunt**

Resolution.

15. Discussion – Change in Zoning Regulations, Ordinances and Local Law Book – Additional information for Article IX – Siting of Wireless Telecommunications Facilities.

Supervisor Kniffen explained this is a change submitted by Chad because it is currently not in the ordinance. Mr. Blaise said if this is a change to the Local Law a public hearing will be required but if it's a change in the fee only it would be done by resolution. Supervisor Kniffen said Chad is adding a fee. Mr. Blaise said normally fees are set by the Board's resolution, so if this is only an addition to the fee schedule, it would be a resolution. Mr. Blaise will talk to Chad about this. Resolution.

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- 16. Discussion – Resolution pursuant to section 3A(e) of Local Law No. 2-1976 entitled “A Local Law Regulating the Use of Parks of the Town of Kirkwood”, authorizing the Town Clerk to issue a permit to the Kirkwood Town Fair, Inc., for the use of the entire Kirkwood Veterans River Park on August 10, 11, and 12, 2107 without any permit fee to guarantee proper clean up after each use.**

Resolution.

- 17. 2017 Agreements:
Police Athletic League (PAL)
ACHIEVE**

Resolution.

- 18. Resolution establishing the attached as the Standard Work Days for the Justice of the Peace and Highway Superintendent and approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for Jeffrey Hawkes, John A. Finch, Jr., and Jessica Kinney, in accordance with the attached resolution.**

Resolution.

- 19. Resolution approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for Christina Radicchi, in accordance with the attached resolution.**

Resolution.

19a. Savings from Benefit Changes.

Supervisor Kniffen said the Board has been proactive in changing some of the employee benefits as to what it would cost into the future if they did not change some of the rules and still be fair to the employees. When he got on the Board the retirement age was 50, it was changed to 55 and then last year the retirement age was changed to 62. He said what that means is by changing the age from 55 to 62 if the employee had the required number of years of service at 65 they would go on Medicare so the Town no longer pays the insurance, the Town saved 7 years of insurance. He noted that employees at the time were grandfathered in to the old rules and there are now 2 employees under the new plan. By taking the current number of people that have the insurance into retirement and saying they all retired, considering the type of insurance they have, either individual, 2-person or family, the savings would be \$2 ½ million.

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20. Audit of Claims.

Resolution.

21. Executive Session.

Councilwoman Yonchuk moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to Section 105 of the Public Officers Law paragraph h to discuss the proposed acquisition, sale or lease of real property, when publicity would substantially affect the value thereof. Councilman Diffendorf seconded. All voted in favor.

MOTION CARRIED.