

TOWN OF KIRKWOOD WORK SESSION

August 6, 2019

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

Also Present: Robert McKertich, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman

1. Discussion – Assessor – Salary and Hours. (GEK)

Supervisor Kniffen explained we hired our Assessor, Scott Snyder, through an Intermunicipal Agreement with the City of Binghamton. Mr. Snyder would like to semi-retire and leave the City but still work for Kirkwood. For that to happen we will have to cancel our agreement with the City and hire Scott on a regular basis. When we hired him through the City we actually saved money and now, because he will have benefits into retirement, he won't require benefits from the Town of Kirkwood. Right now we are paying the City \$33,000 and we'll be paying Scott \$29,000. Scott has been working a half day on Wednesdays and Thursdays and has provided a list of his new hours. Mr. Snyder said with the creation of the new schedule it's one full day with the hours consistent with total hours of the current schedule but I've added some hours in the busier times such as when exemptions are being taken and when the tax bills are due to accommodate questions during those busy times. Resolution.

2. Discussion – Request from Tim Cook to rent 639 Upper Court Street from the Town of Kirkwood. (GEK)

Supervisor Kniffen said there is a motorcycle shop on this property and it's next to the former Kasmarcik property on Upper Court Street where the Land Bank took down the building and it's now owned by the Town of Kirkwood. Tim Cook said I have obtained a lease for that (642 Upper Court Street) and I'd like to open up a permanent barbeque stand there year around. I currently have all my paperwork to the County. I've been working with the County at Otsiningo Park. One of the hurdles is the parking there since the State owns almost up to the building, so there is no parking. I've been talking with Code Enforcement about this, and it was noted that if I obtained the Kasmarcik property I would have enough for parking to meet code requirements and that's the only thing I would be using it for now. I have a small portable barbeque and a small portable corn roaster that I will use for the cooking outside. I won't be using the inside of the building until that gets up to code.

Supervisor Kniffen said I like to see small businesses succeed but also we've been trying to clean up that section of Kirkwood and that's one of the reasons we went to the Land Bank and had the building removed and now it's green space. I wouldn't like to see anything there. If the Board agrees to the parking I would make sure there's never going to be a structure there.

TOWN OF KIRKWOOD WORK SESSION

August 6, 2019

Councilwoman Yonchuk questioned what the restrictions are on the property now since it was demolished through the Land Bank and is green space, and if we can even use it for this purpose. Supervisor Kniffen said when we had the buyouts and those properties became green space, our local law says we can rent it out. Mr. McKertich said you can for certain purposes but I would have to look at the documents from the acquired property to see if there are any deed restrictions. If it's for green space then I would like to see how that's defined. Also, a municipality can only lease property that it doesn't need for any kind of a municipal use. It's also up to your discretion whether or not you even want to do this.

Mr. Cook said my intention is just to provide a parking area at 642 so it comes up to code for the whole property. I can't see anyone actually parking over there. I'm going to offer a lunch special for \$5 and I just want to make it a grab and go. I'm more than willing to be flexible to make this work.

Councilman Diffendorf said I don't think you have enough parking on your own property. Mr. Cook said absolutely not. They'll just be stopping to grab something and then leave. There won't be an area to sit down. There will be no paving. Councilman Diffendorf said I don't know if it fits our criteria and I'd like some time to think about it since this is the first I've heard about it. In response to Councilman Grubham, Mr. Cook said I'm in the process of filling out an application for the Planning Board and I do have insurance.

Mr. Cook said my intention is to serve barbeque all year round so I would like to get a portion of the building so I can do prep work inside and I'm working in that direction. I'm only setting up on the weekend right now and where I put my trailer it was on the State property. According to Chad I can petition the State to try and take that property over as long as I maintain it. I don't have anything to do with the motorcycle business that's in there. The owner of the building, Mark Callahan, owns that business. Councilman Grubham said it looks like there are a lot of obstacles that need to get straightened out.

Marchie Diffendorf said, from a Planning Board perspective, if this property is not suitable for something as low traffic flow as he's going to have, the property is useless and the building might as well be torn down and be green space if you can't allow a business to operate in there. Supervisor Kniffen said when we took down the Kasmarcik building we wanted to take that property too but he had a business there and wanted to continue. Marchie said the property is useless if he can't use it since it's a low impact business.

Mr. Cook said I did have a conversation with Chad yesterday in regard to this meeting tonight, and he wanted me to propose to you that I operate on the existing location on the weekends only and allow for additional discussion. Councilwoman Yonchuk said I'm not sure that we can give permission for a business to operate on the State right-of-way. Mr. Cook said I'm not going to be on the State right-of-way. The State already gave permission to drive into that property and I'm going to maintain everything on that property until I get additional authorization from them.

**TOWN OF KIRKWOOD
WORK SESSION**

August 6, 2019

3. Discussion – Terminate Intermunicipal Agreement with the City of Binghamton for Assessor. (GEK)

Resolution.

4. Resolution scheduling a Public Hearing on September 3, 2019 at 6 PM for Local Law 2 of 2019 Amending the Town of Kirkwood Zoning Law. (GEK)

Councilman Grubham said we're still waiting for comments from Broome County so I don't know if we'll be ready by then. Mr. McKertich said they think they'll have their comments back but can't guarantee it. We can schedule it and if we don't get the comments back on time we could postpone it, or we can change it to a later date when we know we'll have the comments back. In response to Councilman Grubham, Mr. McKertich said the comments would not have to go back to the Committee, it would actually be at the Town Board level at this point. The Board would look at the County's comments and determine whether or not they want to make any revisions. If you wanted to refer it back to the Committee for their opinion that's certainly doable. Councilman Grubham said we should go ahead and schedule it.

Resolution.

5. Discussion – Amending the Park Use Local Law regarding the sale of alcoholic beverages at the Town Fair. (GEK)

Supervisor Kniffen said up until this year the Kirkwood Fire Department sold beer at the town fair, but they chose not to sell it this year. Both the Five Mile Point Fire Company and the Elks were interested in selling it but there was not enough time to get the permits and approval by resolution from the Town. To address this issue, the current Parks Use Local Law would need to be changed with a tentative suggestion as follows:

SECTION 3 Prohibited Activities

1. Sale of alcoholic beverages as defined in Alcoholic Beverage Control Law in any town parks, except that incident to the Kirkwood Fair Committee obtaining a permit to conduct a town fair at Kirkwood Veterans River Park, approval may be granted by resolution of the Kirkwood Town Board to a Town of Kirkwood non-profit organization applying to sell beer in a specifically confined area therein subject to all rules and regulations of the New York State Liquor Authority, when such application is received by April 1st of each year.

In response to Councilwoman Yonchuk, Mr. McKertich said an organization would apply to the Town first to sell beer at the fair and then to the State for the actual permit. Councilwoman Yonchuk noted a concern if there are several organizations who want to sell beer. It was determined that the Town Fair Committee would decide which organization can sell it and then that organization would go through the process with the Town and State.

**TOWN OF KIRKWOOD
WORK SESSION**

August 6, 2019

6. Discussion – Amending the Rules and Regulations Governing Attendance and Benefits for Town of Kirkwood Employees – Allow up to 4 hours per year of paid time off for all cancer screenings, not just prostate and breast cancer screenings. (GEK)

Supervisor Kniffen said currently Town of Kirkwood employees get four hours paid time each year for prostate and breast cancer screening, and this would open it up to all cancer screenings. Councilman Diffendorf said if someone has to have a heart screening, that's pretty important to that person, so where do you draw the line between cancer, your heart, lungs, etc. Supervisor Kniffen said this would open it up to all cancer screenings and then the Benefits Committee could look at other things to consider. Councilwoman Yonchuk said I agree with all screenings for cancer but if we try to anticipate all the possible screenings we run the risk of excluding the one thing that someone may need that's not on the list. I don't want to make a snowball situation, but cancer isn't the only horrible thing. At least the Committee would be discussing it and giving it a fair shot. Mr. McKertich added this is driven by State Law. They used to have the requirement that every employer allow time off for prostate and breast cancer screening and they've recently changed that law to make it applicable to all cancer screenings. Resolution.

7. Discussion – Record of Activity – Cyndi French – Dog Control Officer and Zoning Board of Appeals.

Since this was submitted for Cyndi French as Dog Control Officer and as a member of the Zoning Board of Appeals, Councilwoman Yonchuk questioned if all ZBA members have to do this. It was explained that this is only for employees that have joined the NYS Retirement System and do not punch a time clock. Resolution.

8. Discussion – Standardization of Volvo Trucks. (JAF)

John Finch said I'd like to discuss standardizing all our single axle and 10 wheelers to Volvo trucks. We've had Volvo trucks for over 24 years back into the 1980s. They are reliable and our Deputy knows how to work on them. We standardized on the Kubota tractors back in 1980 for the same reasons. It's more efficient since we know the equipment. If you have multiple vehicles in your fleet you have to have multiple filters and different parts. When we do our specs for our trucks we try to spec out for Volvos because that's what we use and it makes it easier in the future for purchasing.

Supervisor Kniffen said I understand the reason for standardizing but there's a negative to almost anything and to some degree it takes away the competitiveness by not having it open to other manufacturers. However, whoever handles that manufacturer, you could compete within those.

Councilman Weingartner said I like the idea. After working on vehicles myself it's nice to have all your vehicles the same so you can get familiar with them and stock up on parts.

TOWN OF KIRKWOOD WORK SESSION

August 6, 2019

Councilman Diffendorf said I don't like the idea because it leads to a look of collusion when you put the trucks out to bid and the specs are written for a Volvo then you can only get a Volvo. It also makes it easier for Volvo to be at a higher price because that's what you've agreed to purchase. We need to be able to just put a truck out there to bid. I know you say they've got the Volvos on hand, but I know they deliver these things all the time. If you got something from Tracey Road Equipment and Stadium they would probably deliver the parts. Mr. Finch said we have all Volvos with the exception of one International that was purchased the year before I was in office. We can't use the International during the summer because it wasn't spec'd for a proper rear discharge for the chute. Councilman Diffendorf said I feel very firmly that once you tie yourself to somebody it's collusion.

Mr. Finch noted that we have NJPA which is now Sourcewell, and they do the bidding for us throughout the country, as well as local. It's also the same as going out to bid through NYS and they all work together now, NYS and Sourcewell. So you get the lowest possible price from whatever manufacturer you go through. Councilman Diffendorf noted a concern that if the Volvo is almost \$215,000 but you could get Western Star for \$200,000, and you can have problems with any manufacturer, including Volvo. Mr. Finch said in 24 years we've had nothing but Volvo and their resale value is good and a lot of the other municipalities use the Volvos.

Councilwoman Yonchuk said I definitely see the pluses to standardize but I would like more specifics on how this Sourcewell works. I would like to know if they meet State requirements for letting out bids.

Mr. McKertich said there are really two separate issues, standardizing and the use of Sourcewell. In regard to standardizing, no matter who you purchase from we're always purchasing Volvos, whether you do it through State bid, Sourcewell or whether we put it out to bid ourselves for Volvo trucks. The other issue is whether to use Sourcewell. I'm familiar with NJPA and John said that changed hands to Sourcewell. NJPA is a recognized national source of bidding but they can use NYS procurement requirements and they go out and bid for these trucks and will present you with the lowest bid. It's just like using State bid. The Town has to have already approved, by resolution, to authorize that kind of bidding process and John said that has happened. Councilman Grubham said with Sourcewell you'd only be talking about the best price you could get for one brand, not two or three. Mr. McKertich said if you both standardized and used Sourcewell, then Sourcewell would only look for Volvo trucks. Councilman Grubham said so you would never know if you could have gotten another brand cheaper. Mr. McKertich said it's really weighing the cost and benefits of going out and looking for other truck manufacturers or if you want the convenience of just going with one truck. If you didn't standardize you would tell Sourcewell what kind of truck you want and they would come back with the lowest bidder, it might be Volvo or some other manufacturer.

TOWN OF KIRKWOOD WORK SESSION

August 6, 2019

Supervisor Kniffen said because of the fact that it takes away the competitive nature by only going with Volvo, and for the reasons Councilman Diffendorf brings up, I would be against this.

Councilwoman Yonchuk said I want more information. Are there other municipalities in our area that have standardized their favorite trucks and do the other municipalities use Sourcewell, regardless of whether they standardize or not? Mr. Finch said I believe the Town of Binghamton has standardized on Volvos. I'm not sure who else but I can find that out, and everyone uses Sourcewell. In response to Councilman Grubham, Mr. Finch said the sellers of the trucks pay all fees involved in the process. The Board will get back to Mr. Finch on this.

9. Discussion – Purchase new 10 wheeler to replace the 2007 10 wheeler. (JAF)

Mr. Finch said the next truck in our fleet to be updated is a 2007 Volvo dump truck 10 wheeler which has 114,370 miles on it. Since 2016 we've had some minor issues with filters, brakes and other issues with the clutch fan, rebuilt transmission, and other things that are signs of age. Originally we talked about updating these vehicles every 11 years and this one should have been replaced last year. I have the money right now in the budget to purchase a new truck. There is \$212,829 in highway reserves and \$58,748 in the regular highway equipment line. I got a price for the purchase of a new truck from Volvo through Sourcewell for \$213,466. Our trade-in would be between \$40,000 and \$50,000 so at the low end that would be \$173,000 and that would leave almost \$100,000 in our reserves. I would put the old truck on the auction site like we have done in the past. Also, Windsor may be interested in it. In 2 to 3 years we'd be updating the other 10 wheeler, a 2010. They actually have the new vehicle on their lot and it has a new automatic transmission. If we were to have one built they are saying it would take up to a year to get, so we wouldn't get it until late spring or early summer of next year. Councilman Diffendorf said every time we deal with Volvo and Burr Trucking we are told that we have to purchase it now, it's a special deal or something. I get tired of that type of information from them. I would just like to put a truck out to bid.

Mr. Finch said typically when I purchase these trucks I like to put the old one on the auction site right before winter because I've had good luck selling the other vehicles that way. One truck we were going to sell to Windsor for \$16,000, but we put it on the auction site in October and it sold for \$26,000.

Mr. Finch said we did go out to bid through Sourcewell for a new Volvo and even if we don't standardize we can purchase a Volvo truck. Supervisor Kniffen said we've just been talking about standardization and the Board hasn't made up their mind yet whether they want to do that. Councilman Grubham said we want prices from other manufacturers, not just Volvo. Councilman Weingartner said I've dealt with a lot of bidding and I've always felt that if you know what you're looking for and the equipment you need that matches equipment that you already have, it's a whole lot better for everything involved to get what you need. In response to Councilman Diffendorf in regard to information on the quote sheet from Burr, Mr. Finch

TOWN OF KIRKWOOD WORK SESSION

August 6, 2019

said the award period is for Sourcewell's contract with Volvo. They renew it every four years. Mr. Finch verified that the Volvo truck that was quoted is a 2019.

Assuming that Sourcewell does not exchange information between manufacturers and suppliers, Councilwoman Yonchuk questioned if anyone on the Board with doubts would feel better if we had Sourcewell use those same specs to seek out prices from two other reputable manufacturers so that we have a comparison. She said I don't want to leave this unsettled until it's too late to get one if this is a vehicle that we're going to need and it will do a better job for us, especially this winter, and that could answer some of the concerns we have right now. Supervisor Kniffen said we don't have our own set of specs, with Mr. Finch adding that they are Volvo specs and the other manufacturers would have to match the specs exactly. Councilman Weingartner, referring to other municipalities with fire departments and police organizations, said they try to stay with the same vehicles that they've had in their fleets. He said John came to us after doing his work on this and he has the money.

Mr. Finch said I've been here for 24 years and have been doing this for 3 years, and I have the Town's best interest in mind. I'm not trying to pad anybody's pockets. I'm doing what I think is best for the Town. I know that the trucks have good resale value. They may be a little bit more in the beginning but in the end you still get more back. Supervisor Kniffen said that's all part of the formula, how they last and their track record, and I believe you have sound reason for what you are doing but I don't know where we're going to end up. Speaking to Mr. Finch, Councilman Diffendorf said before you were ever sitting in that chair we were questioned from another dealer about writing specs that were all one way. He called us on it and he was right. So that's why we have to protect ourselves. We don't want to get called on that and we want everything to be above board. I think we write specs and we get the truck for the specs. We don't write them for any specific manufacturer. Various issues with the International truck were discussed. Councilman Diffendorf said not every truck runs perfect, even if it's a Volvo. Mr. Finch said I'm not saying Volvo runs perfect but we've been using them for at least 30 years so why would we want to switch and have two or three trucks from other companies sitting in the driveway when we know how the Volvos are. Councilman Diffendorf said maybe there's a better truck out there that we don't know about. When you look at the trucks going down the road there are not many Volvos. The only people buying Volvos are with the towns and it leads me to believe that there must be something different.

Supervisor Kniffen said John wants to buy a Volvo for \$173,000 and by a show of hands, Councilman Weingartner and Councilwoman Yonchuk were the only ones who indicated they are in favor of that. This will be held for the next meeting when Mr. Finch will provide prices through Sourcewell for Western Star, International and Volvo trucks.

10. Discussion – Ladder at the Main Sewer Station. (JAF)

Mr. Finch said I talked with the manufacturer for the bidder of the stairs and he said they would hold the price until September 1st. I did get a Notice of Violation from DEC for the stairs. It's

**TOWN OF KIRKWOOD
WORK SESSION**

August 6, 2019

a serious violation and needs to be corrected by December 16, 2019. Now we can meet with our grant writer.

11. Discussion – Well 3 – 25HP VFD for Transfer Pump. (JAF)

In regard to the purchase of a VFD for the transfer pump for Well 3, Mr. Finch said there's a new pump and motor installed on that and the torque is so powerful now that it's tearing the rubber coupling between the motor and the pump. We would like to purchase a VFD so it will work in unison with the well pump itself. It will also start soft and slow down soft. It's currently not healthy for the longevity. The SCADA system will be able to set the controls. This was not budgeted for this year so it will come out of reserves and water. Resolution.

12. Discussion – Recreation Supervisor. (LCG/RFW)

Councilman Weingartner stated that Christina advised us in May of her intention to retire from the position of Recreation Supervisor for which she has been doing a good job. We advertised for the position and received applications from three real good candidates. We decided on Mark Latini to fill the position. Councilman Grubham said any one of the three would have been good. Resolution.

13. Discussion – Request from Woody's Tavern, LLC for a waiver from the Town of Kirkwood from the 30 day waiting period regarding their liquor license application.

It was noted that this is located at 14 Grossett Dr. behind the bowling alley, and that the Board provided a waiver in response to the same request from the previous business in that location. Resolution.

14. Audit of Claims.

Resolution.