

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**October 1, 2019**

A regular meeting of the Kirkwood Town Board was held on October 1, 2019 at 6:05 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

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

Also Present: Robert McKertich, Attorney  
Gayle Diffendorf, Town Clerk  
John A. Finch Jr., Commissioner of Public Works  
James Smith, Budget Officer  
John Mastronardi, Engineer

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

September 3, 2019 Town Board Meeting  
September 24, 2019 Grievance Day – 2020 Water & Sewer Benefit Unit Assessments

**PUBLIC PARTICIPATION:**

**COMMUNICATIONS:**

Lori A. Garvey, Resignation as Secretary for Planning Board and Zoning Board of Appeals

**COMMITTEE REPORTS:**

**2020 Budget.**

In reviewing the proposed 2020 Budget, Supervisor Kniffen said in 2020 for General Fund we'll be spending \$1,874,784 which is a 10% reduction from 2019. Highway is at \$1,224,957, which is up 4%. The highway employees have a tough job, especially when there is flooding all the time and that also adds to expenses. Basically they do a real good job on their budget, they are good people out there taking care of our town and we appreciate that. The Fire budget is down 4%. These are all volunteers who live in and work for the town because they care, giving up their personal time with their families. They do a great job, they work with us and do a good job on their budgets.

There's actually a tax decrease for 2020. In 2019 it was \$1,280,062 and for 2020 it will be \$1,266,373 which is less by .1%. Although that's not a lot, what's important is that it's in the right direction. We've seen it at the County level as well as the City of Binghamton. The decreases are small but we've worked hard to make that happen. In looking at a typical \$100,000 home, the savings is about 8 cents a week.

The Tax Cap started a long time ago and we've supported it and met the challenge every year. It's now a New York State law and will be in effect forever. Everyone should have received a rebate check this year which has to do with the STAR program. Also, for 18 consecutive years the Town Board has not taken a salary increase. I've said a number of times, while we've always met the Tax Cap, there will be a time when we won't be able to do this because we have to plan for the future. We don't want to find out that all of the sudden we have a \$100,000 expenditure that we haven't planned for. We know these things happen and have to plan for them ahead of time and put money away. So there may be times when we have to exceed the cap to make that happen.

In summary, we're doing what we think you want us to do, you are our employers and we try to manage the Town efficiently and effectively. Our sacrifices are for all of us to meet this challenge. We must not forget or lay aside our mission and responsibility to not only work for the present but to take the present and to plan for the future.

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Mr. Smith said one of the big items in the budget that allowed us to lower the overall tax rate for general, highway and fire is the additional sales tax. Through 2019 it's been very strong and we are projecting almost \$110,000 or more between the 2019 and 2020 budget based on what's come in so far. So in sales numbers we're budgeting \$1.475 thousand between the between general and highway.

We are also in the midst of remediating the flood disaster of 2018. The lion's share of that has been accomplished and we had to project absorbing about 12 ½% of FEMA costs and in 2019 we put \$219,000 in the expenditure budget. We don't have anything in there for 2020 because by the time we get to the end of the year that should pretty much be done.

Overall our payroll expenses are following our pattern of the Union increases, which is a lot of the gentlemen in the highway department, basically following the 50% contractual increase in the Collective Bargaining Agreement and then applying roughly 2.5% for the non-union employees.

Health insurance is a big part of employee benefits. We don't look strictly at what the expected increase would be, we look at the actual enrollment happening in August or September of the year we're budgeting, in case someone has dropped out, retired, etc. We take a fresh look at who's enrolled at that time and what the rates are that will be projected in the next year. For those parts of the employee benefits where there are some allowances for reimbursement, depending on active or retiree, we project the highest requested reimbursement that that individual or family would be allowed. The budget is fully loaded for that.

In the fire budget we're catching up on an assessment that we paid back to the County for an assessment matter that was retroactive three years involving the former Putnam facility, by some increased fire rates to allow that fund balance to get replenished and pay back general fund. We're trying to also build a fund balance in the fire fund for any other similar items that should happen in the future.

In the light districts, this year they began transitioning over to the LED technology to save energy costs. That's going to be set up in capital projects and the light district involved will just pay that off as it's incurred, which we anticipate will be three to four years. Part of that repayment will be based on reduced energy savings.

The water and sewer districts will be addressed at a later date. The water rates will stay the same and we will be meeting to try to stay in pace with the Binghamton-Johnson City Joint Sewage Plant for the sewer rates. At this time we're looking at a raise effective January 1<sup>st</sup> for the sewer rent which is based on flow.

Councilwoman Yonchuk said there is an increase in the budget for the senior citizens, which I requested. This includes not only the senior citizens club, but also programs that the Town does for seniors. With the increase in expenses we are now only doing four bus trips instead of six. The Town pretty much supplements the cost of buses for the trips but they are now averaging between \$900 and \$1,300 just for the bus. If there are not enough people to fill a bus, we have cancelled because it costs the same whether the bus is full or not and we feel that's a waste of money. We do a good job of making some of these trips very affordable for the senior citizens so we don't want to charge more money. So that was my main concern. The Town also supplements part of the cost of our holiday dinners, Thanksgiving and Christmas at the Elks Club which does a good job with the price.

**Special Guest – Leah Diffendorf.**

Supervisor Kniffen said although we don't get many people attending our meetings, we do encourage people to come and we don't limit the time people can speak. So tell your neighbors to come on down. We have a young lady, nine year old Leah Diffendorf, who wrote a letter to the Town Board and is here tonight to talk to us.

Leah read her letter: Hello! My name is Leah Diffendorf. I live at 106 Main Street, Kirkwood, New York. I've wanted a horse for all my life. FINALLY my grandfather, William Joseph Diffendorf J.R., caved in and said if the town board say's you're allowed

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to have a horse in your neighborhood I'll buy it! May I have a horse in my neighborhood please! It would mean the world to me!

Dave Finch commented that my wife had a horse for almost 40 years and we just had to put her to sleep. It's a big commitment, and a lot of fun and work.

Councilwoman Yonchuk questioned what the zoning would have to be on Main Street for someone to have a horse as a pet, not for raising or breeding them. Mr. McKertich said towns do it different ways. Some towns have a special use permit process that would allow for that kind of use and others allow it in an agricultural district. My understanding is that the Code Officer has decided that it's not allowed in the zoning district. Supervisor Kniffen said the Code Officer did say there could be certain situations when one would be allowed, but not yours. Sometimes older people have problems and are sick and they need help beyond medicine and sometimes horses are used as therapy. That is the only situation we know of. We are so tickled that you wrote us, gave us something to think about and that you had the courage to come here. You've done a great job and can come and visit us anytime.

**Broome County Hazard Mitigation Plan Update.**

John Mastronardi reported that over the last six months Broome County has been in the process of updating the Hazard Mitigation Plan, which has to be updated every five years. In partnership with all Broome County municipalities they finally just got the approval from FEMA for the plan which will be adopted by our Town Board. The main reason for the Plan is that it's a state and federal requirement in order to obtain disaster assistance, which includes hazard mitigation funding. As an example, for the floods in 2006 and 2011, one of the programs was a Hazard Mitigation Grant Program by FEMA for flood buyouts of flood damaged homes. That program required any municipality that wanted to apply for those funds from that program had to have an adopted plan. The County takes the lead for all the municipalities and we just partner with them and adopt the plan. It identifies hazards within Broome County and it ranks them. For most municipalities in Broome County flooding is the highest risk and the highest priority so we try to identify mitigation measures that we can do to help reduce the loss of lives or property. The plan is kind of a living document that you can look at on the Broome County website. I was on the Steering Committee of about 10-12 members and as a member, for both Conklin and Kirkwood, I passed on a lot of information that was useful to the planner and identify projects that were priorities for both municipalities. You'll see those projects are identified in that plan. The County and or FEMA try to help identify funding possibilities to make those projects happen.

**NEW BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution adopting the 2019 Broome County Hazard Mitigation Plan Update, in accordance with the attached plan. Councilman Diffendorf seconded.

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

141-19  
Adopt Br Co  
Hazard  
Mitigation Plan  
Update

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the Supervisor to sign a General Financial Services contract with Municipal Solutions, Inc., in accordance with the attached contract. Councilman Grubham seconded.

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

142-19  
Municipal  
Solutions  
Contract

MOTION CARRIED.

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**OLD BUSINESS:**

143-19  
Adopt 2020  
W&S Unit  
Assessments

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting the 2020 Water & Sewer Benefit Unit Assessments, in accordance with the attached resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

144-19  
Purchase 2019  
Volvo Truck

Councilman Weingartner moved to adopt resolution awarding the Sealed Bid for the purchase of a 2019 Volvo Cab & Chassis with Air Flo Box and Viking Plow Package from Burr Trucking at a cost not to exceed \$201,028.00. Councilwoman Yonchuk seconded.

**Discussion:** Councilman Diffendorf questioned why we are buying this truck, which is a 2019 and the International would be a 2021 and cheaper. Mr. Finch said it is cheaper but it doesn't meet the specs and has other issues that we can't put in the specs. It's a known common issue that the Internationals have major wiring issues. We have one that has the same wiring and have had it back to the shop for computer and other problems. It's called multiplex wiring, which means the wiring serves more than one purpose so if you have any issues with the wiring, you have to take it back to Stadium, you can't even switch out lights. It's not user friendly. We can work on the Volvos with no issues. When we have to send the International in for service it takes at least a week to get it back. No one is happy with Stadium's customer service. Councilman Diffendorf questioned if most NYS truck aren't Internationals. Mr. Finch said I think they're Macs. Councilman Diffendorf said its \$4,000 cheaper and its two years newer and I can't see why it's not the truck to go with. Mr. Finch said if you look at the cab and chassis price, it's cheaper for the 2019 and basically what you're paying more for is the box. The box is the same one as we have on the 10-wheelers right now that we have all the chains, hydraulic lines, etc. for. That saves us quite a bit of money. The International and the other Volvo wouldn't be built until next summer which means our \$40,000 trade in is now going to start dropping off as it gets older since it will be getting more hours on it. The best value for the trade in and the best value for the truck is to go with the 2019 Volvo. I am going to list the truck on Auctions International for two weeks to see if we can get more than \$40,000 for it. The price would remain the same for the other trucks. Councilman Diffendorf said this truck is \$4,000 less and if we keep staying with the Volvo then every time we buy a truck we're paying \$4,000 or \$5,000 more. By the time we get the 2019 it's old.

Councilman Grubham said I'm fine with the pricing and the only question is we're buying a truck that is older. I'm going to be in favor, mostly because of the wiring concern. I also don't understand why we didn't get bids from other companies.

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

MOTION CARRIED.

145-19  
Approve 2020  
Prelim Budget  
Sched PH

Councilwoman Yonchuk moved to adopt resolution Approving the 2020 Preliminary Budget and Directing a Public Hearing for October 29, 2019 at 6:00 PM. Councilman Diffendorf seconded.

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

MOTION CARRIED.

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Councilman Diffendorf moved to adopt resolution, after a Public Hearing adopting Local Law No. 2-2019 entitled “A Local Law Amending the Park Use Local Law Related to the Sale of Alcoholic Beverages”, in accordance with the attached resolution. Councilman Grubham seconded.

146-19  
Adopt LL2-19  
Amend Park  
Use – Sale of  
Alcohol

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution ratifying a resolution renewing the Intermunicipal Agreement with Broome County for Court Security, in accordance with the attached agreement. Councilman Weingartner seconded.

147-19  
Renew Br Co  
Court Security  
Agreement

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution authorizing the purchase of a 12,000 lb. truck lift from Josh Williams to replace existing lift, at a cost of \$5,000 and the Town of Kirkwood’s old lift. Councilwoman Yonchuk seconded.

148-19  
Purchase Truck  
Lift

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing advertising for Sealed Bids for the Foley Road Site #3 and Site #4, FEMA Projects, with bids due and opened on October 24, 2019 at 12 noon. Councilman Diffendorf seconded.

149-19  
Ad for Bids –  
Foley Road  
Projects

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing James R. Smith, Budget Director, to attend a NYGFA seminar on November 14, 2019 in Batavia, NY at a cost of \$170.00 for the registration and lodging for one night at a cost of \$112.00, with all reasonable expenses paid. Councilman Grubham seconded.

150-19  
James Smith  
Attend Seminar

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

MOTION CARRIED.

**Discussion – Energy Audit – Continued from last week.**

Councilman Diffendorf said after the discussion last week we agreed that we would probably go with something, that Mr. McKertich got a better deal for us. Mr. McKertich said they are willing to reduce the payments going forward from 36 to 18 months and also give us a 15% discount for an up-front payment. The contract they originally provided will be amended to reflect these changes.

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151-19  
TRI Utility  
Audit

Councilman Diffendorf moved to adopt resolution to approve a contract with TRI Utility Cost Reductions Inc. for an audit. Councilman Grubham seconded.

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

MOTION CARRIED.

**OTHER:**

**Olivet University.**

Councilman Diffendorf reported that in the last two weeks the school has been locked up and the people that were living in the house near Route 81 have moved out. That was the gentleman who was keeping an eye on the building. They are in major financial trouble.

**EXECUTIVE SESSION:**

Supervisor Kniffen left the meeting at 6:50 PM.

152-19  
Exec Sess

Councilwoman Yonchuk moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to Section 105 paragraph f of the Public Officers Law to discuss the financial and credit history of a particular corporation. Councilman Diffendorf seconded.

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

MOTION CARRIED.

Following the adjournment of the Executive Session the regular meeting was reconvened at 6:56 PM.

**AUDIT AND PAYMENT OF CLAIMS:**

153-19  
Audit/Pay

Councilwoman Yonchuk moved to adopt resolution authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts (Fire, Light, Water and Sewer Districts), Professional Services, Capital Projects and Reserve Funds claims # 19003259 through # 19003366 in the total amount of \$ 195,682.14, which includes prepaid claims as authorized by resolution adopted January 2, 2019. Councilman Weingartner seconded.

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

MOTION CARRIED.

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 6:58 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk