

# TOWN OF KIRKWOOD WORK SESSION

**May 5, 2020**

Present: Supervisor Gordon Kniffen  
Councilman Robert Weingartner  
Councilman Lewis Grubham  
Councilwoman Katie Legg  
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  
Duane Travis, ZBA Chairman  
James Smith, Budget Officer

Supervisor Kniffen welcomed the Town Board and residents that are listening. He said we are making history tonight since this is the first time we've ever had a Board meeting in Kirkwood on Zoom, and where we're not sitting together in the Town Hall meeting room. We are complying with the Governor's quarantine and social distancing order. Hopefully we'll be able to meet soon in our meeting room.

As a review of what's been going on, Supervisor Kniffen said in early March the Town was pretty much closed down and Town Offices, including the highway department, are still closed to the public. During that time office personnel in the Town Hall were still working, there is a drop box at the front of the Town Hall and Board members continually stopped at the Town Hall. The situation with the courts is controlled by the New York State Judiciary Association, and they've been closed going on three months and will be closed until at least the end of May. In the meantime things have changed a little for the good. The Code Office has two employees and they alternate by the week and the highway department has been working by alternating half of the employees every other week. Mr. Finch said effective May 18<sup>th</sup> we'll be coming back with a full crew in the Department of Public Works. That means everyone will be working their 40-hour week. This includes water, sewer, highway and parks. Everyone will have face masks and gloves. We will have a meeting before this starts to make everyone aware of all the guidelines and restrictions they will have to follow.

For the people listening in, Supervisor Kniffen explained that normally the Town Board has a work session on the last Tuesday of each month and the first Tuesday of the month is our formal meeting. For tonight and on through the fall we will be combining both meetings and only hold one meeting for each month. We haven't met for a couple of months so there are 18 items that need to be addressed at the work session.

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1. **Discussion – Broome County Emergency Broadcast Tower – Resolution determining that the County’s proposed tower at 201 Kutalek Road is immune from local zoning regulations, in accordance with the attached resolution. (GEK)**

Supervisor Kniffen explained that the County is expanding their emergency facilities and to do this in Kirkwood they’re asking to put up a tower on Kutalek Road and it would be immune to zoning regulations. The Code Officer said that is fine. Resolution.

2. **Resolution ratifying a resolution approving a Fund Transfer of \$79,226.04 from the Water Reserves to the Water Equipment for the purchase of 325 Neptune Water Meters with software and system. (GEK)**

Supervisor Kniffen explained that earlier this year John Finch wanted to replace all the water meters, which we agreed to do. It will cost over \$200,000 to replace them and we don’t want to pay that all at once, but over a three-year period. We negotiated with the supplier and got a break by them holding the price for three years, so we can divide the cost over the three years. We saved between \$18,000 and \$20,000 by doing that. Resolution.

3. **Discussion – Budget Update/Coronavirus. (GEK)**

Supervisor Kniffen said because businesses have been closed; stores, restaurants, etc., it really affects the sales tax. The Town depends on property taxes for revenue but number one is the sales tax. It is paid out by quarters and we understand that we will lose some of that. The first quarter of this year was a little bit more than last year, which is good, but that was before this virus issue started with businesses being closed. On March 25<sup>th</sup> we declared a freeze on our budget spending. Since then we put together a “virus” budget, what we’ll call a “budget in motion”, in comparison with our regular budget, looking at what we can do to save on expenses, and estimate how much sales tax we think we’ll get. That was put together with the help of Jim Smith who is our Budget Officer and will be on the agenda tonight for the Board’s consideration. We’ll hopefully adopt this budget tonight, but then as more information comes in and let’s say the sales tax is a little better than we predicted and/or expenses are a little more than we expected, then we may make some changes in the budget by increasing or decreasing specific line items as time goes along. We didn’t want to sit back and let things happen, but be prepared, and hopefully this will prepare us and get us through this. When mid-summer rolls around, we’ll be working on the 2021 budget and we still won’t know where this virus is going to take us, so we’ll have to take everything into consideration at that time and work around that to the best of our ability. Resolution.

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4. **Resolution ratifying a resolution authorizing the Supervisor to sign a Memorandum of Agreement with the Municipal Corporations Comprising the Broome-Tioga Stormwater Coalition for Stormwater Asset Mapping Implementation in Broome and Tioga Counties, in accordance with the attached Memorandum of Agreement. (GEK)**

Supervisor Kniffen said the following three items are relative to the Stormwater Coalition and are dictated by DEC. Resolution

5. **Resolution ratifying a resolution authorizing the Supervisor to sign the Intermunicipal Agreement to Continue the Broome-Tioga Stormwater Coalition for Federal Phase II MS4 Stormwater Regulation Implementation in Broome and Tioga Counties, in accordance with the attached Intermunicipal Agreement. (GEK)**

Resolution.

6. **Resolution ratifying a resolution authorizing the Supervisor to sign the MS4 Municipal Compliance Certification (MCC) Form, in accordance with the attached form. (GEK)**

Resolution.

7. **Discussion – Kirkwood Post Office Lease. (GEK)**

Supervisor Kniffen said the Town owns the post office building and the lease for that is going to be expiring at the end of this year. They want to renew it for five years. They are leasing it now for about \$10,000 and they want to increase it by about 10 percent. We've turned the contract over to our attorney for review and he will get back to the Board.

8. **Resolution accepting the Recertification of the Record of Activities for Marchie Diffendorf, Member Planning Board, in accordance with the attached recertification. (GEK)**

Resolution.

9. **Discussion – Cancel Memorial Day Celebration. (GEK)**

Supervisor Kniffen said we were really looking forward to doing something this year for Memorial Day. We had done something on a small scale years ago but wanted to it to be much bigger and much more meaningful in memory of our veterans, going way back to the history of our country. That would be the last Monday in May and because of the virus we're going to have to put that off until next year. That will certainly be something to look forward to.

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**10. Discussion – Provide Direct COVID-19 Related Federal Aid to all Municipalities resolution. (GEK)**

Supervisor Kniffen said, going back to the budget, when we first closed down we already had the budget established for this year and our employees that aren't working are still on payroll because we have the money in the budget. When we do the budget for next year we may have some people that won't be working and we'll want to address that in the budget. There is a federal aid program from the federal government for municipalities over of 500,000. We'll be looking at a resolution tonight to send to our representatives in Washington, to add our community. Hopefully we could get some funding that would help us along the way.  
Resolution

**11. Resolution designating April 13, 2020 – May 21, 2020 for Municipal Clean Up in the Town of Kirkwood, in accordance with the attached resolution. (JAF)**

Resolution.

**12. Discussion – Crack Fill – Highland Heights 3 Subdivision along with Barlow Road from Colesville Road to Loughlin Road. (JAF)**

Mr. Finch said I have received three quotes to do some crack filling in the Highland Heights 3 Subdivision and Barlow Road. There are quite a few cracks that have gotten bad over the last year so I'd like to crack fill those just like we did in the Bell School area. The crack fill we did there held up really well. I didn't see hardly any new cracks after we sealed that last year. This is quite a bit more that what it was last year but that is because we are doing quite a few more roads. Of the three quotes Suit-Kote was the low bidder with prevailing wage and traffic control. In response to Councilman Weingartner, Mr. Finch said the price does include Suit-Kote doing the traffic control. Resolution.

**13. Discussion -Summer Schedule:**

Councilman Weingartner questioned if the Board wanted to consider combining the May 26<sup>th</sup> work session and the June 2<sup>nd</sup> meeting, as is being done with the rest of the summer schedule. After a short discussion the Board decided to do that. It was noted that the process to hire a new bookkeeper has begun and that should be on the June 2<sup>nd</sup> agenda.

**Resolution combining the May 26, 2020 Work Session and the June 2, 2020 Town Board Meeting into one night to be held June 2, 2020.**

Resolution.

**Resolution combining the June 30, 2020 Work Session and the July 7, 2020 Town Board Meeting into one night to be held June 30, 2020.**

Resolution.

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**Resolution combining the July 28, 2020 Work Session and the August 4, 2020 Town Board Meeting into one night to be held August 4, 2020.**

Resolution.

**Resolution combining the August 25, 2020 Work Session and the September 1, 2020 Town Board Meeting into one night to be held September 1, 2020.**

Resolution.

14. **Resolution cancelling the November 3, 2020 Town Board Meeting due to Election Day and rescheduling for Monday, November 2, 2020.**

Resolution.

15. **Resolution scheduling a Special Town Board Meeting for December 29, 2020, after the Work Session, for the purpose of auditing year end bills and any other business that may come before the Board.**

Resolution.

16. **Resignation – Gayle Diffendorf, Town Clerk effective May 30, 2020, Appointment – Kelley Diffendorf as Town Clerk effective May 30, 2020 and Appointment – Gayle Diffendorf as Deputy Town Clerk effective May 30, 2020.**

See May 5, 2020 Town Board Meeting minutes.

17. **Discussion – Pump Station Stairs. (LCG)**

Councilman Grubham provided written information about replacing the stairs. He said we didn't get any bids at our last meeting so I looked into it. The guys that make these kinds of stairs generally don't bid jobs, they make them for somebody else. Bob Murphy Inc, of Vestal can build the stairs and JSI, who is Joe Sheptock of Edwards Road in Kirkwood, gave us a price to remove the existing stairs and install the new stairs and he is well qualified to do the work. There will be some additional costs for the Town. The total cost to the Town will be about \$32,000 which is \$20,000 less than we thought we were going to have to spend. I'd like to treat this as an emergency because we're getting pushed pretty hard by PESH. They are in contact with John Finch questioning why we don't have it done yet. It takes about four to five weeks just to get the stairs so the quicker we can get started the better.

John Finch said given the circumstances, and we've been out to bid at least four times, obviously something has to be done. We will have to file for an extension because they were

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supposed to be done by June 1<sup>st</sup>. They should be understanding as long as we do get it done in a timely manner.

Councilman Diffendorf said I agree that it has to be done. Councilman Weingartner said I know Joe's work is excellent so I have no concern with that and it has to get done and thanks Lew for taking the point on this and getting it done. Councilwoman Legg agreed as well.  
Resolution.

## **18. Audit of Claims.**

Resolution.

## **19. Elections.**

Councilman Diffendorf said the Governor of New York State cancelled the presidential primary election so now what happens to the rest of the elections that are supposed to be held in June. Gayle Diffendorf said I contacted the Election Board and was told every other election remains on for June 23<sup>rd</sup>, including state, county and town. The only other election that will not take place on June 23<sup>rd</sup> will be for villages, which will be in September.