

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 3, 2017

A regular meeting of the Kirkwood Town Board was held on January 3, 2017 at 6:00 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: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch, Jr., DPW Commissioner
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

December 27, 2016 Town Board Meeting

PUBLIC PARTICIPATION:

School Choice: In regard to the letter of support for school choice that was brought up at the last meeting, Marchie Diffendorf said he strongly supports that people have the option of going to charter schools and other schools. He said competition is good for every aspect of our being.

Supervisor Kniffen welcomed two senior students from Susquehanna Valley currently attending classes at the New Visions Health Academy. Councilwoman Yonchuk congratulated them and noted that being accepted into this program is quite an achievement.

COMMUNICATIONS: Letters of Re-Appointment for Clerks to Justices Full Time and Clerk Part Time, Deputy Town Clerk, Deputy Commissioner of Public Works, and Town Historian.

COMMITTEE REPORTS: None.

OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to sign the Consent Letter from Broome County Industrial Development Agency regarding the proposed 265 Industrial Park Drive, LLC PILOT Agreement, without the 10 cent provision, in accordance with the attached letter. Councilman Diffendorf seconded.

Discussion: Supervisor Kniffen explained they talked about this last week and in addition to the PILOT one of the issues was the proposal from the LLC group that when they actually started to lease out the vacant square footage in the L-3 plant, that in each lease there would be a 10 cent charge per square foot, which is good. Normally with a tax, it is distributed amongst the school, who gets the majority of it, then the County and then the Town who gets the least. On top of the PILOT program, they want the extra 10 cents to come 100% to the Town. Those words were put in the agreement to send back to The Agency and although their legal department is looking into it, The Agency doesn't see how the rules could be changed from the usual 3-way split. Supervisor Kniffen said he suggested it be taken out of the PILOT agreement and Kirkwood would make a separate agreement with the LLC and not call it a tax so it would be appropriate and meet the test.

Mr. Blaise said the issue is if Kirkwood can enter into an agreement like that with the entity, not The Agency, and he would have to look into that. Supervisor Kniffen said in talking with Todd, the LLC definitely wants to do something, and whether it ends up being a contribution to the Town or whatever, it would be nice to have something in writing. Mr. Blaise said he has a concern with the concept of consideration. If there is a contract or

1-17
LLC PILOT
Agreement

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agreement there has to be something going both ways. If the LLC wants to donate that to the Town, it can do that. If there is going to be an agreement in place, he is questioning what the benefit would be that the LLC is getting for that contribution, and is that benefit something the Town could give. Public funds can't be given to a private individual or private entity and if the Town wants the agreement to be something that is enforceable, there has to be a benefit that the LLC is getting from the Town. Mr. Blaise said he would have to look into it. He added that the LLC could give the Town a letter that they would like to do this and then it would come basically as a gift or donation to the Town and that would be fine. He said say that at the end of the year if the LLC says they would like to have done this but they can't, even though they rented more than the original footage, it is a gift and there is no right the Town would have to enforce that. He added that without consideration, something going both ways, it's an unenforceable agreement, and a municipality has to be careful regarding what they would be giving. Supervisor Kniffen said they certainly would like to get it because if they rent out the entire area it would be about \$25,000 and for a small town that's a lot of money. He questioned if the Board would accept the fact that the LLC would give them something in writing and although they couldn't be held to it, it would be a gesture and something they would like to do. Mr. Blaise said if it is included in the PILOT it will be split up with most of it going to the school, then the County and a little to the Town.

Councilman Diffendorf said once again the IDA gets to take the money they want. He said he hasn't forgotten what they did with the Millennium Pipeline, which was unfair and Kirkwood got the shaft. He said in regard to this issue, he is sure they could make these types of agreements but in this case they chose not to. He said he is in favor of trying to work out something with the LLC and take the 10 cents out of the agreement, because otherwise they are talking about only a few dollars for Kirkwood.

Supervisor Kniffen said he was told today The Agency's legal is still on holiday but would get back to him. Mr. Blaise said he is not aware of any legal authority where the normal split would be by-passed and go directly to Kirkwood. Councilman Diffendorf again noted in the past with the pipeline, IDA took \$100,000 and gave none to the communities where the pipeline was going through. Mr. Blaise said by law the IDA has a lot of discretion as to how they operate. Supervisor Kniffen suggested they pass the resolution with the 10 cents taken out of the PILOT and then possibly amend it at a later date to add it if The Agency agrees.

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

MOTION CARRIED.

2-17
Towing
Agreement –
Studer

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to enter into an agreement with Roger Studer d/b/a Studer's Body Shop & Garage, in accordance with the attached agreement. Councilman Grubham seconded.

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

MOTION CARRIED.

3-17
Zoo
Agreement

Councilman Grubham moved to adopt resolution authorizing Supervisor to enter into an agreement with Southern Tier Zoological Society, Inc., in accordance with the attached agreement. Councilman Weingartner 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 Weingartner moved to adopt resolution amending the Building Code Fee Schedule, in accordance with the attached schedule. Councilwoman Yonchuk seconded.

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

4-17
Amend Bldg
Code Fee
Schedule

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing Highway Superintendent to enter into an agreement with the Town Board regarding Expenditure of Highway Moneys, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

5-17
Highway
Agreement
for 2017

MOTION CARRIED.

NEW BUSINESS:

Councilman Diffendorf moved to adopt resolution appointing the Press & Sun-Bulletin as the official newspaper for 2017 and designating The Country Courier, pursuant to Town Law Section 64 (11), as a supplemental newspaper for publication of all legal notices of the Town for 2017, and requiring the applicant on a zoning matter or an environmental matter to pay the cost of such publication in the official newspaper of the Town, and the Town to pay the cost of such publication in the supplemental newspaper. Councilman Grubham seconded.

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

6-17
Appoint Press
Official
Newspaper
Courier
Supplement

MOTION CARRIED.

Councilman Grubham moved to adopt resolution naming M & T Bank as the depository for town funds for the Supervisor for 2017. Councilman Weingartner seconded.

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

7-17
M&T
Depository
Town Funds

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution appointing the Supervisor as Service Officer for 2017. Councilwoman Yonchuk seconded.

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

8-17
Appoint
Supervisor
Service
Officer

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing the Supervisor to invest general funds, special district funds and highway moneys not obligated or required for immediate expenditure in United States treasury bills, savings accounts, time deposit or time certificates of deposit through Charter One, Manufacturers & Traders Trust Company, Tioga State Bank, Chemung Canal Trust Company, NBT Bank, and Key Bank; said investments to be payable or redeemable at the option of the Supervisor within such times as the proceeds may be needed to meet expenditures for which the moneys were provided, all pursuant to the provisions of the Investment Policy for the Town of Kirkwood adopted July 3, 1993. Councilman Diffendorf seconded.

9-17
Supervisor
Invest Funds

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

MOTION CARRIED.

10-17
Mileage
Reimb

Councilman Diffendorf moved to adopt resolution establishing reimbursement of expenditures incurred in 2017 as follows:

Mileage reimbursement at current Federal Government rate for job related travel;
Attendance at job related meetings not to exceed \$20 per meeting (other than New York City);

Attendance at job related meetings in New York City at \$88 per day for meals only.

Councilman Grubham seconded.

Discussion: Councilwoman Yonchuk noted a concern with the language “Attendance at job related meetings not to exceed \$20 per meeting”, noting that in reviewing vouchers it appears that the fee to attend some meetings is more than \$20, possibly a \$35 fee. It was noted this is basically for reimbursement for the cost of meals at local meetings. Although the question arose as to whether the \$20 per meeting should be increased it was determined that does not seem to be an issue at this time. When someone applies to the Board for permission to attend a seminar or training, in the resolution authorizing attendance, the following wording is included; “with all reasonable expenses paid”, which would include mileage, parking, etc. The wording in the above resolution will be amended to read “Meals at job related meetings not to exceed \$20, per meeting (other than New York City)”.

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

MOTION CARRIED.

11-16
Mtg Nights
Designation

Councilman Grubham moved to adopt resolution designating the following Tuesdays of each month as Town Board meeting nights to be held at 6:00 PM at the Joseph A. Griffin Town Hall:

First Tuesday - Regular Town Board Meeting

Last Tuesday - Work Session

Councilman Weingartner seconded.

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

MOTION CARRIED.

12-16
Voucher
Submittal

Councilman Weingartner moved to adopt resolution requiring all itemized vouchers to be submitted to the Town Clerk’s office before noon of the Friday prior to the last Tuesday of each month, and vouchers for reimbursement of medical and optical expenses to be submitted to the Town Clerk’s office before noon of the Thursday prior to the last Tuesday of each month to qualify for audit and payment at the next regular Town Board meeting.

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

13-17
Pay Rates
DPW

Councilwoman Yonchuk moved to adopt resolution establishing hourly rates of pay for Public Works personnel for 2017, pursuant to Collective Bargaining Agreement with

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Teamsters 317 effective January 1, 2016 and with rate sheet from DPW Commissioner for all non-union employees of the DPW. Councilman Diffendorf seconded.

Discussion: In response to Councilman Diffendorf it was noted that Jim Nieves, with a salary of \$16.45 per hour, was inadvertently left off the list. Councilman Diffendorf also questioned why the resolution reads “for all non-union employees of the DPW”.

Supervisor Kniffen referenced the fact that at one point everyone was averaging about 3% a year, and those with seniority on the high end were getting farther and farther away from those with less seniority and Councilman Diffendorf suggested that they average it and most likely that is why it was done this way. Councilman Diffendorf said he thinks it should read “Resolution establishing hourly rates of pay for Public Works personnel”.

Councilman Weingartner said both the union and non-union employees are included.

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 establishing hourly rates of pay for independent contractors and Board of Assessment Review, in accordance with the attached resolution. Councilman Grubham seconded.

14-16
Pay Rates
Independ.
Contractors

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 establishing salaries for all elected and appointed officials and employees as set forth in the 2017 budget. Councilman Weingartner seconded.

15-16
Salaries
Elected &
Appointed
Officials

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 appointing the following persons to the designated positions for 2017, in accordance with the resolution. Councilwoman Yonchuk seconded.

16-16
Appoint
Various
Positions

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 Supervisor to submit to the Town Clerk by March 31, 2017, a copy of his Annual Report to the State Comptroller and directing the Town Clerk to cause a notice to be published within ten (10) days after receipt of said report in the official newspaper and supplemental newspaper of the town that a copy of such report is on file and available for inspection in Town Clerk’s office. Councilman Diffendorf seconded.

17-16
Annual
Report Due

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

MOTION CARRIED.

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18-16
Prepay Utility
& Property
Tax Bills

Councilman Diffendorf moved to adopt resolution authorizing the payment of utility bills, town real property tax bills and postage prior to audit pursuant to Town Law Section 118 (2). Councilman Grubham seconded.

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

MOTION CARRIED.

19-16
Cash Manage,
Procure,
Invest
Policies

Councilman Grubham moved to adopt resolution reaffirming and re-adopting resolutions establishing Cash Management Policies/Procedures adopted June 5, 1990 and the Procurement Policy adopted December 6, 1994 and revised December 3, 2013 and the Investment Policy adopted July 3, 1993. Councilman Weingartner seconded.

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

MOTION CARRIED.

20-16
DPW Equip.
Purchases

Councilman Weingartner moved to adopt resolution authorizing the Commissioner of Public Works to purchase equipment and tools not to exceed a total of \$2,000.00 per year without prior Town Board approval, providing such purchases are consistent with a resolution adopting a Procurement Policy enacted December 6, 1994 by Kirkwood Town Board and reviewed and reaffirmed herewith. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

21-16
Annual Audit
Budget
Officer

Councilwoman Yonchuk moved to adopt resolution pursuant to section 123 of the Town Law engaging Budget Officer, James Smith, CPA, to make an annual audit of the books and records of each person who as a town officer or employee received or disbursed any moneys in calendar year 2016 and also each Town Justice for the year 2016 including the criminal and civil dockets to determine that the fines and fees shown thereon that have been collected and were turned over to the proper officials as required by law, and to complete said audit by May 31, 2017. Councilman Diffendorf seconded.

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

MOTION CARRIED.

22-16
Reappoint
Mastronardi
Stormwater
Management
Officer

Councilman Diffendorf moved to adopt resolution reappointing John Mastronardi of Griffiths Engineering as the Stormwater Management Officer for the year 2017. Councilman Grubham 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 Grubham moved to adopt resolution appointing William Diffendorf as Safety Officer for the year 2017 at an annual salary of \$1500. Councilman Weingartner seconded.

23-16
Appoint
William
Diffendorf
Safety Officer

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution reappointing Jason Griffin as Temporary Ad Hoc Member of the Zoning Board of Appeals, pursuant to Local Law No. 11-1986; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. Councilwoman Yonchuk seconded.

24-16
Reappoint
J. Griffin
ZBA Ad Hoc

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 reappointing Thomas Tracy as Ad Hoc Member to the Planning Board, pursuant to Local Law No. 1-2004; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. Councilman Diffendorf seconded.

25-16
Reappoint
T. Tracy
Planning Bd
Ad Hoc

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 accepting the Recertification of the Record of Activities for Gayle M. Diffendorf, Town Clerk, in accordance with the attached recertification. Councilman Grubham seconded.

26-16
Recertify
G. Diffendorf
Retirement
Hrs.

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

MOTION CARRIED.

OTHER:

City Line Pump Station.

Supervisor Kniffen reported he is still trying to get information from the City of Binghamton in regard to the water pump station at the town line. If the Town was ever to purchase water from them in an emergency the City is being asked what they would have to do to turn on the water and give the Town an idea what the cost would be to purchase it from them. Although several attempts have been made to get this information they are still working on it and they will not give up. Councilman Grubham said he thinks the problem is there will be work involved for the City to determine if the valves actually work anymore, so it might be some time before the Town finds out about that. That might lead to the question as to whether or not they want to fix them and he doesn't know if the Town has any control over that. Mr. Blaise said the last agreement with them expired years ago. Supervisor Kniffen questioned why they continue to charge the Town \$150 every quarter. Mr. Blaise said he does not remember that being in the original agreement.

Assessor.

Supervisor Kniffen explained that every municipality needs the expertise of an assessor to do assessments and appraisals. The City of Binghamton is sharing their assessor with Kirkwood as of the first of this year. He will spend time in Kirkwood every week but most

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of his time in the City. He will be in Kirkwood every Wednesday from 8AM to noon and Thursday from noon to 4PM. If there are times when Kirkwood issues need to be addressed, the assessor can do so when he is in Binghamton and vice versa.

City Line Pump Station – Lead Paint.

John Finch said he received the results from the lead paint samples he took from the city line booster station and there are high levels of lead on both samples. He will be contacting a couple of lead abatement companies to see what the cost will be to get the lead paint removed. Hopefully he will have a number by the end of the month.

L-3 Water Leak.

John Finch said at the last meeting Todd brought up that L-3 had a water leak for almost a year. John notified the building manager of the leak and at that time the head of building maintenance also told him there was a leak, but the manager denied it and refused to look into it. As the year went by their bills kept getting higher and higher because the leak started getting bigger and bigger. About the middle of summer he showed the leak to a new maintenance guy who pushed to get something done. They finally dug it up and fixed it in October. Todd had asked if there was a possibility they could give them a refund on their sewer because of the leak. John said he is torn as to whether or not this should be pursued because they were informed of the leak and it wasn't fixed, noting that it was after the meter, so they were getting charged for all the water usage and the sewer. Supervisor Kniffen questioned if they were to consider this request if they wouldn't have to take similar time frames in the past for comparison so they would know what they are talking about. John said that is why he would like some direction as to whether they want him to pursue it. He said he is pretty sure this amounts to about \$10,000 to \$20,000.

Councilwoman Yonchuk said they were notified of the leak, so she has mixed feeling as to whether or not they should get a refund. Supervisor Kniffen said the LLC is just taking over now, so he questioned why it's Todd's responsibility, and Councilwoman Yonchuk agreed. John said the previous owner should be the ones pursuing it. Councilman Diffendorf said he thinks the problem is that BJC would have to forgive the money because they are going to charge the Town and the Town is just the billing agent. John said he doesn't know if BJC would consider forgiving it knowing that they were aware of the leak, and it would have to be determined when it actually began to leak, which he thinks is December 2015. Supervisor Kniffen said the Town could still forgive it but they would still have to see if BJC would share in it, even though they had nothing to do with it at all. Councilman Diffendorf said the Town can't forgive that and expect everyone else to pick up the cost. He said the Town gets billed from BJC for all the water usage.

Supervisor Kniffen said they are asking the Town to forgive it and the Town could and not get reimbursed by BJC but he is not saying they should do that. John said they are printing the bills this week for the December billing and he wouldn't think the new owner would be responsible for that. Since it's fixed, Supervisor Kniffen said the new owner has no problem so he doesn't think the new owner should be asking about this, it should be The Agency. John said they have not asked. John added there would be no credits from CMOM since this was past the meter and none of it went down the sewer.

SCHOOL PROCLAMATION.

Supervisor Kniffen said when this was discussed last week he did not have all the background on it. He said it does include charter, public, and every form of education. They were asking the Town to make a proclamation supporting it. Councilman Weingartner said he did some research on it and it's basically looking at the major donors, using public funds for private education. It involves school vouchers. He said he doesn't want to help pay for someone to send their children to Seton, if they choose to send them there, that's their choice. This is basically using public money for private schools. He said taxes will go up because they will need more money. Councilman Grubham said they probably all have different ideas about this and he does not see why the Town Board should be involved in this at all. Councilwoman Yonchuk said with the concerns that Councilman Weingartner has brought up, there are a lot of ramifications and as a public school person she has real problems with that. She agrees with Councilman Grubham that there are things that are not in the Board's purview. Councilman Grubham said, as an individual, if they have a strong opinion about this they should go to school board meetings. There were different opinions as to whether or not charter schools are for profit.

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Councilwoman Yonchuk said there are ramifications in terms of state aid because when the deck is stacked in favor via a private school with vouchers or a charter school that may not be for profit but has better resources, then you start looking at the public school in the middle of low and middle income areas whose performance isn't good. Councilman Diffendorf said he doesn't know that much about it, although he doesn't have a problem with any of the schools, private or public. He feels it is a school issue. Councilman Weingartner said they are not asking for public money, just for the Town's support. It was noted that people can send their children to school where they want to now if they can afford to. Councilman Weingartner said the way he looks at it is if all the municipalities in New York State do this then they'll say everyone wants to do this so let's do school vouchers, let's take public funds and fund private schools. In looking at the website, the major contributors to this organization are charter schools, vouchered schools and schools that are run for a profit. He added he does not think it is wrong if someone wants to send their child to a private school but not everyone can afford it and they are not necessarily better. Supervisor Kniffen said everyone struggles enough with the school tax which is the biggest tax by far.

FREE COLLEGE TUITION.

Supervisor Kniffen referenced an article where Governor Cuomo wants to initiate some tuition free college. He came out today and said families with an income up to \$125,000 would have free tuition at 2 and 4 year state colleges, all SUNY schools. He said the Governor did not say where the money was coming from, but the taxpayers will be paying for this. Councilwoman Yonchuk said when the SUNY system was created that is exactly what the point of the system was, for both 2 and 4 year schools. In-state residents, because they were supported by tax payers' money, would be able to go to these schools tuition free. It was a much smaller system at that time and also the time of Regents scholarships and paid tuition. The SUNY system has expanded and there are now schools with incredible reputations but to expand their reputation they do a pretty heavy job of recruiting out of state. They have gotten so far away from what the SUNY system was intended and she wants to know where the money will come from.

BROADBAND.

Councilman Diffendorf said he was contacted by Don Domurad about this issue. He questioned if Supervisor Kniffen had gotten a response from his letter of December 27th. Supervisor Kniffen said they have been discussing with Spectrum (previously Time Warner) about expanding in areas that do not have 20 homes per mile. He noted they have been working on a new agreement since the agreement with Time Warner expired in 2012. When they met with Spectrum they did not have the sense that Spectrum was going to do anything. Part of their agreement when taking over Time Warner was that they would add 145,000 homes in NYS, but Spectrum was not eligible for any of the \$550 million that the Governor had set aside for broadband expansion. In talking to the broadband program office, he was told that outside of those 145,000 homes, they would be eligible for money from that grant and they would cover up to 80% of the cost. Supervisor Kniffen said they asked the question why Spectrum couldn't expand it without the 20 home requirement. In regard to whether there is a law regarding the 20 homes per mile requirement, Mr. Blaise said there is no law. He said if residents that have the 20 homes per mile go to Spectrum requesting cable, that's the rule that says they can't be denied service and there is a formula of how it would be charged back to them. Mr. Blaise said since they can go below the 20 homes per mile, especially since they would be getting reimbursement from the State, they asked Spectrum why they wouldn't do that since it would go towards their quota. Supervisor Kniffen said the rep for Spectrum was on holiday so they haven't gotten a response yet. There will be 3 phases. Phase 1 has been completed and the application period for phase 2 ended right after they met with the Spectrum rep, at which time they were told they weren't eligible. There was a sliver of a window left that they could have applied but they just missed the window. Supervisor Kniffen said Broome County did get some of the money but it did not go to Spectrum but another cable provider in the western part of the county. He said they will definitely work to get into the next phase. Councilman Grubham questioned if they can or cannot do it for any area with less than 20 homes. Mr. Blaise said his understanding is the whole grant program was designed so that it can go places where there are less than 20 homes per mile, otherwise they have no hope of ever getting standard cable and broadband. The money is

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 3, 2017

to be used for underserved areas to offset the costs. Councilman Diffendorf said, if he understands this correctly, they have to hook up to 145,000 homes per their merger agreement but they can't use any of the \$550 million to do that. Supervisor Kniffen said they also talked with the General Manager of Adams Cable TV, which is another provider in this area. They have been bitten once already so they are not interested. The people in Colesville pleaded with them to expand there and said they would support it. Adams spent a lot of money and did not get the participation and are losing money. He said on each pole there can only be 3 connections; telephone, electric and cable. They first have to get permission to get on the pole and if they can't they have to put in their own pole, new wires, etc. and it's a lot of money when you're talking about expansion. Councilman Grubham said the problem is this is statewide and there are probably thousands of roads in the state similar to what Kirkwood has, and he thinks a lot of people are going to be disappointed, but he thinks they still have to go after it. Supervisor Kniffen said he hopes there are not a lot of people in NYS like Kirkwood that are being aggressive on this.

AUDIT AND PAYMENT OF CLAIMS:

Councilman Grubham 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, and ratifying the payment of the prepaid claims as authorized by resolution adopted this date, all in accordance with the abstract of claims on file in the Town Clerk's Office.

Councilman Weingartner seconded.

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

MOTION CARRIED.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 7:25 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk

27-16
Audit/Pay