

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**October 6, 2020**

A regular meeting of the Kirkwood Town Board was held on October 6, 2020 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  
Councilwoman Katie Legg  
Councilman William Diffendorf, Jr.

Also Present: Robert McKertich, Attorney  
Kelley Diffendorf, Town Clerk  
John A. Finch Jr., Commissioner of Public Works  
John Mastronardi, Engineer

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** September 1, 2020 Town Board Meeting, June 30, 2020 Public Hearing and (2) September 29, 2020 Public Hearings

**PUBLIC PARTICIPATION:**

**Hiner Road Project.**

Supervisor Kniffen started the meeting by thanking everyone for coming. He said we have some special guests: Lisa Dolphin from Shumaker Engineering who was on the study for the Hiner Road situation, Emilie Blabac from Hiner Road, Jim Kafura from Hiner Road, and Mr. and Mrs. Covelli from Krager Road. We had a Work Session meeting last week and our Town Board meeting is tonight. I'd like to talk about Hiner Road first and then we will get back to the Board meeting. Everyone pretty much knows this project was first introduced to this Board in late 2019. It was set aside and since then the City of Binghamton has hired the Shumaker firm to do a study up there and they have presented it. We have sent a copy of that to everyone except Mr. and Mrs. Covelli. To get us started, Lisa Dolphin can you brief us on what you are doing.

Lisa Dolphin (Professional Engineer) said I'm with Shumaker Engineering and also with me is Nathan Horstman a Junior Engineer with our firm. We were hired by the City of Binghamton in early 2019 after the disaster declaration in 2018 to study Hiner Road. Our first task was to look at a Pre-Disaster Condition assessment. I brought some graphics to orient everyone. Referring to the graphics Lisa Dolphin pointed out the existing Hiner Road and the municipal boundary between the City of Binghamton and the Town of Kirkwood. She said there are three properties within the City of Binghamton that are located along Hiner Road, and there are seven properties within the Town of Kirkwood that are located along Hiner Road. Our first assignment on the project was to go out and develop a Pre-Disaster Condition assessment which is phase one and required by FEMA. That work was completed by going out and surveying the area, both with tool graphic survey and boots on the ground to analyze all the damage. Then putting together a narrative report and a cost estimate that reflects what the cost would be to get Hiner Road back to its pre-disaster condition. That work was submitted to FEMA and that pre-disaster condition narrative and cost estimate was approved by FEMA. Right now there are funds set aside to get Hiner Road back to its pre-disaster condition.

The next phase in the FEMA process is phase two, and that is where you look at hazard mitigation alternatives. So you look at other alternatives in addition to just putting the roadway back in time in place. We analyzed five alternatives at that time. Lisa Dolphin referred to the map stating all alternatives were highlighted. She said alternative 1 and 2 really replace Hiner Road along its existing alignment and upsize the five drainage structures along Hiner Road. The result of our initial phase one study found that debris had been clogging up the existing culverts, they are undersized hydraulically and they need to be replaced and upsized. Those were the first two alternatives we looked at. A third alternative is a new connection, it would be abandoning Hiner Road from the Fairview Avenue intersection to a point where the first house on Hiner Road is located. Adding a new roadway segment that would connect Windy Hill Road to Hiner Road. Alternative 4 is

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similar to the Windy Hill alternative, replace a new roadway by connecting existing Krager to Hiner Road. It has the same scenario where abandonment of existing Hiner Road would take place for several 100 feet up to the first home where a cul-de-sac would be placed. Another alternative looked at would be an off-site alignment of Hiner Road. Again, abandoning Hiner Road in its existing location and putting a new parallel alignment to the north of existing Hiner Road. The project goals were to improve flood resiliency for the area, maintain access to homes so in a disaster condition they can still get to their homes. The preferred alternative that we recommended is the Krager Road connection. Lisa Dolphin then referred to the map showing that alternative and explained the new traffic pattern. That concluded phase two of the project.

Phase three is the next step of the project where New York State Department of Homeland Security and Emergency Services (DHSES) is reviewing our recommended approved project. After 2 months of that review and it's approved by DHSES it would go to FEMA for review. At that point, the project would then enter into a review of NEPA (National Environmental Policy Act) requirements and SEQRA (State Environmental Quality Review Act) requirements. The City of Binghamton has been very transparent with the work they are doing and public participation is in the next phase, which is phase three of the project. Supervisor Kniffen asked Lisa Dolphin to give a timeline on this phase. Lisa Dolphin said the application was submitted to DHSES on September 7<sup>th</sup> and that's a 2 month review. During that time they could come back and ask for more technical information or more detailed information. Assuming they approve the project it will go to FEMA in early November and then FEMA has 90 days for review and approval. The public participation process is under the phase three services not in the first two phases that we have completed to date. The legal process is to have a public hearing. Lisa Dolphin responded to Supervisor Kniffen that she believes the public hearing would be through the City of Binghamton.

Lisa Dolphin said that is where we stand today, the project is under review by DHSES and the Krager Road connection is the preferred alternative. I would like to note that Broome County Soil and Water and Tioga County Soil and Water had a project where New York State Governor's Office of Disaster Recovery had another consultant study the Chamberlain Creek watershed. The recommendation of that study was to abandon Hiner Road and add an additional access point. Their access point was the Windy Hill alternative. When we looked at the Windy Hill alternative in detail it is a very steep grade of 15% and a new roadway would exceed local roadway design criteria.

Emilie Blabac asked, why alternative 2 was set aside. Lisa Dolphin said the two structures would be quite large because of the ravine and the cost. Nathan Horstman said the cost would be estimated at \$887,500. Emilie Blabac asked, does that include the new road or the mitigation in the ravine or creek bed. Lisa Dolphin responded, the only mitigation we are proposing in the stream is the removal of the structures. Chamberlain Creek varies in size and is very unstable, it's not a healthy stream. We found that when we conducted our study and the other Broome County study I referenced previously had the same findings. Chamberlain Creek needs more work than what will be done with just removal of the structures, removal of the structures will take place under any of the other alternatives. The alternative we are proposing as the approved project, the structures will come out and we would have big rock ramps to help mitigate some of the stream. Lisa Dolphin responded correct to Emilie Blabac that it is separate from the \$887,500.

Councilman Diffendorf asked, in the flood of 2018 how many structures were damaged that couldn't be used immediately. Lisa Dolphin said two and they were repaired. Councilman Diffendorf said they weren't damaged to badly. When I was up there the one structure was still in place. It had just washed around. Jim Kafura said the culvert themselves were not damaged it was the road surface above them that was washed out. John Mastronardi said the corrugated plastic pipe was damaged, not only was it clogged but the interior was damaged and the joints were separated. That will need to be replaced should the road stay in the same alignment. I believe it was 36 inch in diameter and it was the most affected culvert.

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Councilman Weingartner asked why was 1A and 1B, the upsizing of the culverts not preferred over alternative 4. Lisa Dolphin said in alternative 1A we found during our analysis all five structures were undersized and need to be upsized. It still keeps a roadway in the flood plain and will have many crossings that we know are unsafe. It really doesn't pass if we are questioning if we have flood resiliency in the project with that alternative. Alternative 1B is upgrading Hiner Road by only increasing or replacing the two culverts that are damaged. That is all FEMA in accordance with my Pre-Disaster Condition assessment. This alternative doesn't upsize all the structures, so you would have three undersized structures that are out there. Inevitably if we had another storm event of that magnitude those structures are susceptible to the same damage. Hydraulically they are undersized.

Councilman Weingartner commented, wasn't the recommendation of 1A to replace and upsize them. I believe looking at the damage, it was caused because all of those structures failed. They all clogged and got gummed up. If that is going to be taken care of then the possible damage of the road from a future even would be lessened if those culverts were fixed or made larger. Lisa Dolphin responded, correct.

Emilie Blabac said the culverts were never maintained. As residents we would call to have them cleaned out and they kept building up with trash. Even though we have brought it up to the City of Binghamton's attention they never came and cleaned them.

Councilman Diffendorf asked about the names of the creeks and streams in the area. Lisa Dolphin said the one on Hiner Road is Chamberlain Creek. John Mastronardi said the one that comes down Pope's Ravine is an unnamed tributary.

Councilman Grubham asked if there have been any studies done as to how often this could happen since it was extremely unusual to get that much water at one time. Lisa Dolphin said when we design structures we design for whatever the State impact design criteria is, generally it's a 50 year storm event for a culvert like this. Councilman Grubham said you have designed it for the worst case scenario, but you don't know how often the worst case scenario will happen. Lisa Dolphin said we are addressing climate change, so we are adjusting hydrology to take into account climate change, such as higher precipitation values.

Supervisor Kniffen said we had some calls over the weekend from residents on Krager Road that are concerned about the traffic flow if there will be a new road from Hiner Road to Krager Road. Supervisor Kniffen asked Mr. Covelli if he would like to speak about his concerns.

Mr. Covelli said I like many people on Krager Road have had no knowledge of what you have been doing or what you are doing until I got a heads up from another neighbor last Thursday. I have been reading all the proposals and all the emails that go along with this in the last six days. I was told not to come that only two people could come but then I found out it was a public meeting. Supervisor Kniffen said I asked you not to come because of the virus, we didn't want it to get overcrowded. It's always an open meeting. We can't get too many people in here, we have to be spaced. That is why I told you not to come tonight. Mr. Covelli said I am here for one reason only, I live at the top of Krager Road. Anytime I hear anything about Krager Road including a proposal that talks about a road that is going to go across from Hiner to Krager with a speed limit of 45 miles per hour, I get so scared and nervous. I've lost sleep over the last 3 or 4 days wondering what will happen to Krager Road. Nobody on Krager Road ever came to Krager Road unless they wanted to for the sanity and sanctity of what Krager represents. It's an exclusive road, it's five minutes from town and yet you are away from town. That is why we are there. Any proposals for anything that has to do with Krager Road, which I don't see how we can avoid it, is going to ruffle my hair and everyone else's on the road if they ever find out about it. The people on Krager Road don't know what is happening. Even though it says we aren't supposed to protest, I'm sorry, I'm going to say it specifically, I don't like the proposal. Nobody that owns property on Krager Road is going to be complacent about this. Once you start any kind of construction that involves Krager Road itself you are going to get a complete avalanche of protests. We are on Krager Road for what it represents, for you to come in

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with this sketchy information just because there is FEMA money involved. If you don't use the FEMA money by a certain time then they are going to lose it. The confusion about who really owns the project, are we talking about Binghamton, are we talking about Kirkwood. All of this preparation is for what, the next 50 year flood. Granted Mother Nature is a little bit funny lately but to set off a quarter million dollars or more for unnecessary structural change and to change the lives of 100's and 100's of people forever for a possibility, is not a worthy reason to go on. I'm representing all the people down the road. We are protesting and we will continue to protest. You are talking about upsetting the lives and the history and the reason for the development of Krager Road which has been this way for 100 years. If you start messing with Krager Road you are going to have a push back to the point where we will get the TV and an investigation into this whole thing. You have to come up with a better reason then we may have another 500 year flood and we don't want to pay for it a second time, so on and so forth. I'm here to make my word known and I know I represent everybody on Krager Road. Thank you.

Supervisor Kniffen said as far as Krager Road, we did not get in touch with anyone on Krager Road and shame on me as Supervisor. I should have taken that into consideration. We appreciate you (Mr. Covelli) for coming down and sharing that with us.

Emilie Blabac said I understand the way Mr. Covelli feels because the location of Hiner Road is similar to Krager Road and all of our neighbors have been up there for 30 to 40 years. We love it because it's quiet, it's ten minutes from downtown and we are in the country. It's hard to think about the route completely changing on the road. What used to be the beginning of the road would now be the end of the road, is it necessary. Jim Kafura said we had surveyed the residents of Hiner Road and we all prefer option 2, which wouldn't affect Krager Road. It's just a slight change in terms of our route. Option 2 is a bridge across Chamberlain Creek and then along the ridge to Pope's Ravine Road.

Supervisor Kniffen said the property we are talking about if there was going to be a new roadway from Hiner Road to Krager Road is owned by Ms. Karen Okenica. She sent an email in to us today and we have been talking with her back and forth on the phone and via email. I will read what she sent to us.

Karen Okenica's email stated, to quote the Shumaker Report: All flood damages associated with the 2018 event are located within the City of Binghamton. The City wants to avoid the cost of all future flood damages. As a result Hiner Road, upkeep, damages etc. will become the sole responsibility of the Town of Kirkwood and the Town's taxpayers and residents.

This project would create road frontage to my western border and eliminate some of my more valuable frontage on both Hiner and Krager Roads. The added traffic flow on Krager Road would adversely impact present and future Krager Road residents and their accustomed privacy. The obvious traffic pattern would decrease any privacy that the land now provides. The resultant road traffic would include dumping of trash etc. and any unwanted items including, I'm afraid, unfortunate animals and pets (already a known problem on Hiner Road). I have my property legally posted and have had issues in the past with hunters and trespassers.

The Shumaker report states, the construction of the road will have a permanent impact on the wetlands, springs and stream located on the property. That unknown impact to my property is something that unsettles me as the owner. Even with adverse possession of my property and the unwanted construction of a new road, the report goes on to state, in regards to the current condition of Chamberlain Creek (the purported cause of the Hiner Road flooding issues) this alternative: "will not fully mitigate reach and watershed scale instabilities in Chamberlain Creek identified in Shumaker's geomorphic assessment. These instabilities are occurring currently, have been occurring prior to August 2018 event, and would be anticipated to continue into the future regardless of the preferred alternative. As these reach and watershed scale instabilities are already occurring, the goal of the preferred alternative project design is not to mitigate them but merely to not exacerbate them. Mitigation of these instabilities would require the entire reach of Chamberlain Creek to be restored."

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Borrowing a comment from Emilie Blabac's post, the City of Binghamton would avoid footing the cost of Option 2, the "Upland Route" by cost sharing with, transferring the ownership of, and maintaining the road to Kirkwood. Option 2, costs \$100,000.00 more but provides Hiner Rd. residents with a direct route to our homes and quicker Emergency response time.

Although not a resident but a taxpayer and property owner, I too feel that the City of Binghamton should use their FEMA funds to exercise Option 2 and not be the cause of an unnecessary confrontation with me as a property owner and the Town of Kirkwood.

Supervisor Kniffen said she is saying she will not sell the property to the City of Binghamton or the Town of Kirkwood. I want to clarify a couple of other things as well. If this project were to go through and FEMA approved it, FEMA would fund 75% and the Town has already asked if that would be in writing before we go any further. FEMA has also said to the City of Binghamton verbally, if you don't do anything now because you had that flood in 2018 and it happens to reoccur we are not going to help you. I just wanted to clarify that information.

Mr. McKertich asked Lisa Dolphin, when you are conducting the alternative analysis you are weighing the advantages and disadvantages, that's kind of the heart of the analysis it seems. When you are doing that do you take into account public opposition as a disadvantage, and if so, how do you quantify that, how does that factor into the alternative analysis. Lisa Dolphin said we can't quantify that but one of the alternatives from my report is property buyouts. We know from the public perception that seems unfavorable. Mr. McKertich said I saw it was listed as unfavorable for alternative 5 but not for any of the other alternatives. Lisa Dolphin said the other alternatives are parcel acquisitions, not a full buyout of the property. Mr. McKertich said it was the public perception though that was in the disadvantage category. Would you also put public perception in the disadvantages for some of the other alternatives, like alternative 4 as well, or does that just not factor into the equation. Lisa Dolphin said it does factor in, of course it does, when you are affecting property owners it factors in. But it's not something we can quantify obviously. That is why we present alternatives and you look at alternatives and you look at your project goals and you find an alternative that meets those project goals and make a recommendation. Again, this process has to go through the NEPA process which will have public participation and formal public hearings and meetings where questions are asked and answered.

Mr. McKertich said when doing an alternatives analysis it seems you are doing that on behalf of somebody that may sometimes impact the result of where you come out in terms of the result of it. So if you were to perform an alternative analysis on this gentleman's behalf you might come out with a different result than if you were performing it on someone else's behalf. Lisa Dolphin said no, we are objective and we just do analysis and report the data. The goal of coming here tonight was just to report the data of the study that was conducted and the results that were obtained. Mr. McKertich said if you were to perform the same analysis on behalf of the Town of Kirkwood as opposed to the City of Binghamton would you reach the same conclusion. Lisa Dolphin said I believe so. Our goal is to be objective, we are engineers. We look at data, we study it and get results, that's our job.

John Mastronardi said one thing to note with alternative 2 (referencing the map) it would impact at least two properties, it would actually bisect the property. Unfortunately it becomes unusable there to the south. That is something that was considered. Jim Kafura said there aren't any homes along that area. Emilie Blabac pointed to the map showing the area in discussion. She said the road would be on our eastern border, the entire length of the property. Jim Kafura said speaking about being impartial, in your report (Shumaker) under advantages for options 2, 3, and 4 you say ownership could be transferred to Kirkwood as an advantage. If it's an advantage to the City it's not an advantage to the Town. That represents a bias.

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Supervisor Kniffen said to Jim Kafura and Emilie Blabac, so you are saying you are content and you don't consider this a risk that could happen again. You want to stay put. Emilie Blabac said yes I realize it's a risk. Supervisor Kniffen said but you are willing to take that risk, another flood like 2018. I'm just trying to clarify, if you are saying you don't want anything done I'm assuming that means you are willing to take that risk. Jim Kafura said actually what we are saying is we would prefer option 2. Emilie Blabac said the majority of the people on the road we have polled agree. Even though this was the alternative (#4) put forward as the most preferred, to us it wouldn't be preferred.

Councilman Grubham said just to remind these folks what this timeframe is, it is 2 months before the information even gets to FEMA. Then FEMA has another 3 months, 90 days, before they make a decision. Then these folks will get a chance to talk again. Lisa Dolphin agreed. Jim Kafura said the problem I have with that is what they are presenting is option 4 and there's not a lot of detail behind option 2, so it's not like what goes to FEMA or the state are the options. It is here is what we are proposing without the other options. Let's say, it's too late at that point. Councilman Grubham asked Lisa Dolphin so you are presenting the plan you represent, not option 2. Lisa Dolphin said they receive a full copy of the mitigation report that you have a copy of. We have recommended the preferred alternative. Councilman Grubham said is anyone going to say that option 2 is what the people actually want. Lisa Dolphin said New York State can come back and say that. Emilie Blabac asked how would they know that is what the residents want prior to the public comment part. Supervisor Kniffen asked Mr. McKertich, shouldn't we have a petition that is notarized stating what these people feel and turn into them. Mr. McKertich said it is up to the residents. It gets back to my previous questions, when you are doing the analysis of the disadvantages are you going to include in what you submit to FEMA as one of the disadvantages that the public that reside there don't want that alternative. There's a couple of ways it can be done, maybe a petition from the residents, or edit the report, or something along those lines.

Mr. Covelli asked what exact conclusion are you going to have from our conversation tonight. Is any of the information we discussed being sent to FEMA. Supervisor Kniffen said I don't think we are ready to have a conclusion yet. Lisa Dolphin said we don't send this to FEMA. We are here as a courtesy on behalf of the City of Binghamton to represent the study that was completed. Supervisor Kniffen said there is no conclusion, it's still a work in progress. We will send you a copy of the minutes.

Emilie Blabac asked, if the study and recommendations are for option 4 and we are objecting strenuously to it, but it's been put forward, then we don't have a chance at that point if the funds need to be spent within a certain amount of time or for the mitigation to be done. What is the timeline for that money to be spent? Lisa Dolphin said right now the project is extended through December 2021. A town extension can be requested in writing.

Councilman Diffendorf asked, the City of Binghamton is going to use the FEMA money and they are going to pay the rest themselves. Lisa Dolphin said that is a question for the City of Binghamton, I can't speak for the City. Supervisor Kniffen said the City has said FEMA will pay 75%, the State will pay 12.5%, and the mayor of Binghamton wants us to split that other 12.5% with the City 50-50. Mr. Covelli asked, if he doesn't spend the money what happens. Supervisor Kniffen said then there is no project.

Councilman Grubham said, suppose Kirkwood decides not to participate in this, can the City and FEMA do whatever they please. Mr. McKertich said the majority of the alternatives require the Town of Kirkwood to participate in this. It requires acquisition of property in the Town and the construction of the road and future maintenance of the road. I would view that as something that would require the Town's participation. Councilman Grubham said what if the Town Board said no to that. Mr. McKertich said it gets to the question can the City of Binghamton acquire property outside of the corporate limits. I think there are ways to do that but that is something I would want to look at a little bit deeper. Councilman Diffendorf said if they were to replace the existing structures with larger structures that are already in the City of Binghamton then they wouldn't be acquiring of any property in Kirkwood. Mr. McKertich said I think that is alternatives 1A and 1B and it seems to me that does not require Kirkwood participation.

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**Joe Angelino – State Assembly**

Joe Angelino from Norwich, NY introduced himself and said, I'm running for the State Assembly, replacing Assemblyman Crouch. I'm going to Town Board meetings to try and learn and listen to all the problems. I didn't see a lot of issues with the State here. I'm just trying to get my face out there so people know me. Cliff Crouch has endorsed me. I'm going to sit and watch the meeting if that's ok. Supervisor Kniffen said of course, glad to have you, thanks for coming.

**Hiner Road Discussion Continued**

Councilwoman Legg said we had Shumaker come and explain everything to us but is there a way we could have a talk with the City of Binghamton about this project and go over everything with them. I would hate to see the opinions of these folks go unsaid to anyone. It doesn't sound like their opinion is even going to be in the mix of anything until after the fact, they won't be represented at all. Supervisor Kniffen said back in 2019 we did meet a couple times and the folks from Hiner Road were there too. In addition to that, Kirkwood had separate meetings with those folks. This last meeting was by phone because of the virus. No matter which way the Town goes I think we have to sit down with the City and say here's why if we are going with you and here's what we want and what we think we should have. Right now the Mayor is saying split that 12.5% with the City and I'm not thinking it would be a 50-50, personally. Yes we would meet with the City.

**COMMITTEE REPORTS:**

**Solar Lights at Valley Park**

John Finch said we started putting up the solar lights on the walking track the other day and we put more up today. We should have the majority of them done tomorrow. They look nice and they do work. It was cloudy yesterday and they worked all last night, they were on when I came in at 6:30 AM. The ones on the sides of the bridge won't be done this week but the walking track will.

**Water Risk Assessment**

Councilman Grubham said we talked about this water reliability study from the EPA, you said you (John Finch) did it 4 or 5 years ago. John Finch said the risk management study, yes, it may have been longer than that. Councilman Grubham said the EPA thing is dated August 13, 2018 so are you sure that is going to qualify. John Finch said according to Al Glover he has talked to Pete Haff at the Health Department who oversees all of this and we are still okay with it.

**Stratmill Booster Station**

John Finch said we did have that pressure reducing valve that we thought was an issue when Steve Smith's water heater blew out. The 8 inch pressure reducing valve was bad and we replaced everything and took the old one out. It did have a lot of build up on it and it was sticking and it wasn't completely closing, it was the original valve. It was pressurizing the 2 inch bypass line and some of the 8 inch was also pressurizing it. So when we had that surge in water when opening the hydrant it created a surge in the whole system. Also, before this, NYSEG was having a problem with their fire alarm system because the pressure system going off. They have it set at certain pounds and they only have a 2 or 3 pound leeway in pressure. It kept on tripping and they asked us what was going on. So we think that valve was causing all these issues. We haven't had any more issues with NYSEG after we replaced that valve. Councilman Diffendorf asked, what the maintenance on that valve is then. John Finch said the new system has gauges on it and it has a strainer you can take out and clean. That keeps the rust, iron, and manganese from getting in to where the diaphragm is. It will be checked every six months. There are bleeders on it to bleed any off that gets above the diaphragm. It will be taken care of with proper maintenance.

**Dog Control Report**

Councilwoman Legg reported the numbers from the Dog Control Monthly Report: 4 dogs were picked up, 1 to shelter and 3 back to the house; 2 lost dogs, 8 anonymous complaints, 43 formal violations and follow-ups, 4 tickets issued, and 1 court appearance.

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**Youth Soccer – Covid-19 Issue**

Weingartner said I want to read into the minutes the issue we had with the youth soccer league and Covid-19. We shut the soccer league down for a week. The following was posted on our website: This is to inform you that the Town of Kirkwood has temporarily postponed all youth soccer league activities until Monday, October 5, 2020. The reason for this action is that the Town was informed that some players may have been in contact with a child who was in contact with someone who tested positive for COVID-19. It is important to note that the Town has no information that anyone in the league has tested positive for COVID-19. Nevertheless, in order to provide the Town time to obtain more information and to contact government authorities regarding any potential COVID-19 impacts, all league activities will be temporarily suspended. As always, the Town places the highest priority on the health and safety of its residents and we will continue to share any additional information as it becomes available.

Councilman Weingartner said I received a call Tuesday from the individual who brought this to our attention and they had negative test results. I also spoke to Broome County and they said if there were any positive results their contact tracer's would have been in touch with us. The league is back in business.

**LED Lights**

Councilman Diffendorf said since we put the new lights in, they stay on. With the yellow lighting system you were continuously fixing it. They would fix them and in a couple weeks they'd be out again. These LEDs are working and we might have a lot of lights on and not have the outings we have had. It's a big difference, at times we would have 20 lights out in a matter of a few months. Supervisor Kniffen said it must be saving us money too. Councilman Diffendorf said you are paying for that light whether it is on or not. The savings is huge.

**DISCUSSION:**

**Petition - Hiner Road/Krager Road Residents**

Supervisor Kniffen asked Mr. McKertich, about a petition for the folks to voice what they feel and have that be part of the presentation to FEMA. I'm not sure of the timing but shouldn't we have them do that right away. Mr. McKertich said I think it's a good idea, it documents their opposition. They can do that a couple different ways. One is to come to a meeting like this and voice their concern, but I think a petition has legs because it can be submitted somewhere or incorporated in a report. I think there is some validity to that approach but I think that is on them to organize and go forward with it. Supervisor Kniffen said to help them though because they are Kirkwood taxpayers, couldn't we put the wording in or suggest the wording, and if it would help to make it more official and have it notarized. Councilman Weingartner said I don't think that is the Town Boards job to put words in their mouth and do everything for them. It's their job and they have to do it, it's not the Town Board's job. Supervisor Kniffen said I don't agree with that, we work for them, they are our employer. I just don't think that is too much to ask for us to do.

Councilman Weingartner said but what is happening when you are doing that is you are taking a side, the Town Board is taking a side. Supervisor Kniffen said I guess we are taking a side in how they feel, but in the end we are going to make the decision.

Councilman Grubham said should we do the petition for people that are on the other side of it too. If there's a group of people against it and a group of people that are for it and they both want petitions, what are we going to do. Supervisor Kniffen said I don't think that will happen but good question. Councilman Weingartner said the advice from our lawyer was not to do it. Councilwoman Legg said I think the residents have already put a lot of time and effort into this and they had talked about a petition so I think they can move forward on their own. Supervisor Kniffen said ok we already have three against it.

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**OLD BUSINESS:**

Councilwoman Legg moved to adopt resolution, after a Public Hearing, adopting the 2021 Water & Sewer Benefit Unit Assessments, in accordance with the attached resolution.

111:20  
Adopt 2021  
W&S Unit  
Assessments

Councilman Diffendorf seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, Approving the Renewal of a Mining Special Use Permit, in accordance with the attached resolution.

112:20  
Approve  
Renewal Gorick  
Mining Permit

Councilman Grubham seconded.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution approving the 2021 Preliminary Budget and Directing a Public Hearing for October 27, 2020 at 6:00 PM. Councilman Weingartner seconded.

113:20  
Approve 2021  
Prelim Budget  
Sched PH

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to enter into a Collective Bargaining Agreement with Teamsters Local 317, in accordance with the attached agreement. Councilwoman Legg seconded.

114:20  
Authorize  
Bargaining  
Agreement with  
Teamsters

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution adopting the Retention and Disposition schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, in accordance with the attached resolution.

115:20  
Adopt LGS-1  
Retention &  
Disposition  
Schedule

Councilman Diffendorf seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution ratifying a resolution authorizing Chad Moran to attend STBOA training on September 23, 2020 at the Oxford Rod and Gun Club at a cost of \$35.00. Councilman Grubham seconded.

116:20  
C. Moran  
Education-  
Code

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

MOTION CARRIED.

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**October 6, 2020**

117:20  
Adopt  
Mailbox  
Replacement  
Policy

Councilman Grubham moved to adopt resolution adopting the Mailbox Replacement Policy Due to Snowplow Damage, in accordance with the attached policy. Councilman Weingartner seconded.

**Discussion.** Councilman Grubham said you are going to replace a mailbox with a generic box, suppose we knock over a very nice one, would we give them the money for that. John Finch said that would be their option. They would have to submit a receipt and we would pay what the normal 4 by 4 mailbox would be. We could put up a temporary one up until they replace it with another one. Councilman Grubham said they may want their fancy one back and it's a waste of time and money to replace it with something they don't want. John Finch said we will give them that option.

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

MOTION CARRIED.

118:20  
Hire  
T. Harpell  
Laborer

Councilman Weingartner moved to adopt resolution ratifying a resolution hiring Tyler Harpell as Laborer to work in the Water & Sewer Department effective October 1, 2020 at a rate of pay of \$17.50 per hour. Councilwoman Legg seconded.

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

MOTION CARRIED.

119:20  
Audit/Pay

**AUDIT AND PAYMENT OF CLAIMS:**

Councilwoman Legg 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 # 20-01108 through # 20-01242 in the total amount of \$ 296,304.41, which includes prepaid claims as authorized by resolution adopted January 7, 2020. Councilman Diffendorf seconded.

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

MOTION CARRIED.

**DISCUSSION:**

**Hiner Road – Eminent Domain**

Supervisor Kniffen said I read that email from the owner of the property and she is not going to sell it. If that project goes through and that property has to be purchased for the road, would eminent domain come into play. Mr. McKertich said a municipality can purchase property outside its corporate limits but I don't know that they can undertake eminent domain outside their corporate limits. They can annex property but that is something I would want to look into. If someone refuses to sell their property we have the authority to take it by eminent domain. Supervisor Kniffen said let's say it does go through and ends up being Kirkwood's road, who would lead the way, who manages the project until it's completed and turned over to Kirkwood. Mr. McKertich said if it's going to be the Town's road we want the contractors working for the Town, we want John Finch to be happy with it and we want to be the ones to award the bid. I would say it's our project. Supervisor Kniffen said there are a lot of costs that we don't think about for us to get involved.

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**October 6, 2020**

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 7:15 PM

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk