

TOWN OF KIRKWOOD WORK SESSION

February 28, 2017

Present: Supervisor Gordon Kniffen
Councilman Lewis Grubham
Councilwoman Linda Yonchuk

Absent: Councilman Robert Weingartner
Councilman William Diffendorf, Jr.

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
John Finch, Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman

1. Broome County Executive Jason Garnar.

Mr. Ben Lainhart, Chief of Staff for Jason Garner, reviewed the County Executive's State of the County address. He said for the last three years the State Comptroller has considered Broome County fiscally stressed. Out of about 2,300 municipalities that the Comptroller rates, Broome County is one of nine to receive this designation for three years in a row. At the end of 2015 the fund balance was about \$5.5 million and at the end of the 2016 it looks like there will be about \$4 million to \$4.5 million left. This is mostly because they got a one-time casino licensing fee of about \$3 million. They are looking at ending 2017 with a fund balance of between \$500,000 to \$1.5 million dollars, which is on a budget of roughly \$370 million and is quite concerning. If there happen to be floods, if sales taxes don't come in as projected and if the Affordable Health Care Act is repealed, which if repealed accounts for about \$3 million loss in revenue, they will have to find the money since it isn't in their reserves.

A hiring freeze was instituted with a savings of about \$90,000. A traveling freeze has been instituted for any travel that is not for a mandated program, and this pertains to the County Executive as well. They are consolidating as many positions as possible. With a struggling airport they are trying to move some of those positions to other areas in the County. They will be working with the Legislature on the budget by focusing on finding ways to cut costs and make government run smoother.

A full in-depth audit has been started by the State Comptroller at the request of Broome County and might not be done until next year.

A new Purchasing Director has instituted different procedures, both internal and external, working with department heads and vendors to figure out ways to streamline the process. Training programs for purchasing have been initiated.

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In regard to the shared services tax savings plan that Governor Cuomo announced in his budget, they have put together a committee to look at ways to share services such as IT services, to find ways to save money for both Broome County government and municipalities.

The County Executive has declared a public health emergency in regard to the opioid epidemic. According to D. A. Cornwell, 76 people in Broome County died last year due to drug overdoses which has led to the highest property theft crime rate in the state and is costing millions in jail costs and coroner fees. The Health Director has been named the lead on the Broome Opioid Abuse Council, which is the drug task force. They are continuing the process that started in the previous administration and have filed a lawsuit on February 1st against several drug companies and doctors who falsified information saying that prescription opioids were not addictive, although a large majority of the people addicted to heroin actually started with prescription pain killers. They are looking at more ways to use electronic monitoring so that hopefully people can go through treatment instead of going to jail. The Governor has proposed several treatment centers and they are trying to get a couple of those here. A new drug free schools coordinator is working on the opioid crisis within the schools. They will soon be announcing a Rural Navigator Program, which will be a grant funded program to hire people to go to rural communities to work with those who are addicted to get treatment, education, etc.

In regard to the airport, the area has lost two airlines recently and they are looking at ways to attract distribution centers like Amazon, Fed-Ex, or other commercial entities up to the airport. They are also working on the airport corridor. The airport commissioner and deputy have been tasked with coming up with a new strategic action plan and what steps will be taken in terms of getting air service, marketing the property properly and public relations. Business leaders in the area will be included in negotiations to help close the deal on getting more airlines to come in here. They are also trying to get an aircraft maintenance program at SUNY Broome. Two interns have been hired to map out Broome and surrounding counties as to where all the major businesses fly to and from and what they want to see in air service. After that is complete they will start mapping out where people travel for leisure destinations. They need data for use in the negotiations.

In regard to jobs, it was noted that 6,000 have been lost over the last several years and the labor force has been shrinking, although at any given time there are about 1,500 jobs that are actually open but not filled due to lack of training; nursing and manufacturing jobs. A new Employment Training Workforce Director has been hired to compile data so they know if what they are doing works. A college intern program has been started in every County department and hopefully those interns will end up staying here.

The plan is to build a one stop center for veterans. Although there is a new veterans' center downtown they have found there are several veterans service organizations throughout the area

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and they would like to bring them all together into one building right next to the veterans center.

In conclusion Mr. Lainhart said in Broome County there is a Democratic County Executive now and a veto-proof Republican Legislature. In order to get anything done they will have to work together, but at this level he doesn't know if it's as much about Democrat-Republican as it is about finding jobs and working together. Supervisor Kniffen said he thinks from the County level on down you can't tell a Republican from a Democrat because they don't deal with social issues.

Supervisor Kniffen said it seems every time there are administration party changes there is a financial crisis and in regard to the sales tax split being back to 50/50, based on the previous administration, that wouldn't have happened for a couple of more years because of budgetary problems, so he questioned by going to 50/50 how much the County lost. Mr. Lainhart said it cost the County \$1.4 million. He said County Executive Garner has always been a supporter of the 50/50 split but the way it was done definitely hurt the County because it came straight out of the fund balance. Supervisor Kniffen said if the previous administration thought it should be a couple of years down the road to keep out of this financial stress, he thinks, as a responsible Supervisor, since we all pay County and local taxes and it's going to come out of one pocket or the other, why not let it go a little longer, knowing that it will get to 50/50 so the County's not in trouble like they are right now. Mr. Lainhart said they feel that would have been the prudent thing to do, especially since it was done after a lot of municipal budgets were set.

In response to Supervisor Kniffen's question about early retirement incentives, Mr. Lainhart said it is unclear whether it would actually save money but it is something that is a consideration.

Councilman Grubham said with the Dick's building opening in Conklin the corridor between Conklin and Kirkwood is going to be very heavily travelled, noting that it already is with Maines and the other businesses. He explained that Bridge Street connects Main Street to that corridor and at the intersection it is already difficult because it is a 55 MPH road. He said both sides of the County road need to be cleaned off and cleared out so that people can see. He also noted that possibly the County could install a flashing yellow light for that intersection. John Finch added that he spoke to Dave Hamlin last week about that intersection and he will be sending people to cut the trees.

Councilman Grubham said Main Street is a County road and a lot of people from Pennsylvania that work in Conklin use Main Street as a short cut to get to those businesses and speed is an issue there as well. He suggested that possibly some additional signage might help, or possibly law enforcement could spend more time there. He said that it will get much worse when Dick's opens because a lot of the employees will be coming from Pennsylvania.

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Councilman Grubham questioned the issue with the airport shutting down the main runway for a month. Mr. Lainhart said it is not a good situation, that Delta won't be flying out of there for a month but they have been assured that Delta will be back in June and will be adding an additional flight. He said although it is a concern this is all federal money and it would be hard to attract more airlines with the current condition of the runway. There will still be a shorter runway available that can be used for some flights.

Marchie Diffendorf explained that Kirkwood is a rural area and it is difficult for people to dispose of electronic devices and they get dumped on the back roads quite frequently. He said he recently went to the landfill and it's a 60-mile round trip so he can see why some people that are inclined to do so may dump their devices along the back roads. Mr. Lainhart said he was affiliated with a library that used to have fund raisers and companies would come in to collect electronics. In response to Marchie about being able to fly out on a scheduled Delta flight on June 8th, Mr. Lainhart said he feels the company will do everything they can to get the runway done because there are some pretty strict penalties for the company if it is not done by June. The runway is basically 17 miles of highway and they'll be working 24 hours a day for 30 days.

Mr. Lainhart said he will look into all the issues brought to his attention and noted that the County Executive will be attending a meeting of every municipality at some point this year.

2. Discussion – Inspection and cleaning of our four (4) water tanks. (JAF)
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|----------------------|-----------|
| Liquid Engineering | \$8895.00 |
| Underwater Solutions | \$9980.00 |

John Finch explained that the tanks have to be inspected and cleaned every 5 years and this is the year it needs to be done. He said it was not in the budget because quotes were not received in time so it will have to be taken out of surplus water funds and he has verified with Jim Smith that funds are available. They will be going with Liquid Engineering at their quote of \$8,895. Resolution for 3/7/17.

3. Discussion – Repair rear end of the 1999 Volvo truck. (JAF)
- | | |
|-----------------------------------|-----------|
| Casey's Truck Salvage | \$4000.00 |
| Fleet Pride Truck & Trailer Parts | \$9028.20 |
| Burr Truck and Trailer Sales | \$8556.65 |

John Finch explained that this was an emergency repair that has already been done. He said the quotes from Burr Truck and Fleet Pride did not include everything they actually got with the purchase from Casey's Truck Salvage, they got quite a bit more for the money. Resolution to ratify for 3/7/17.

4. Discussion – Kubota Tractor/Mower for the parks. (JAF)

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John Finch said there is money in the budget for a new mower for the parks. This is a 2690 Kubota with a 72-inch mower deck. The pricing is from Goodrich Implement which is a NJPA member. He would like to order this at a cost of \$19,117.45 so he has it before the parks open. Resolution for 3/7/17.

5. Discussion – NJPA Contracts. (JAF)

Mr. Blaise said John Finch has been working with NJPA (National Joint Powers Alliance) which is a consortium based out of Minnesota. The Department of State of Minnesota secures the state bids for equipment and services just like New York State but they've set it up so they can work with other municipalities on a national scale. At John's request he looked into this and it looks like it meets NYS standards. A few years ago the State expanded municipal competitive bidding ability by saying they can buy not just off the State or County bid list, but off any federal government municipal bid list anywhere in the country. He added that NYS itself is an NJPA member and buys off that list. John has obtained a bidding number so Kirkwood can participate in the program.

Councilman Grubham questioned how NJPA makes their money. John Finch said they do not get it from Kirkwood. They have over 500,000 members that compete for the contracts and pay NJPA to be a part of that affiliation, they pay NJPA a commission. He said instead of Kirkwood going out to bid, NJPA has already bid everything. He calls the companies that are NJPA members and gets a list of what he is looking for with NJPA pricing. There is no cost to the town. He also noted there is no cost to join and it eliminates a lot of time and expense on the town's part. No specs need to be written and all local vendors are NJPA members.

6. Discussion – NJPA Pricing for ODB Leaf Vac. (JAF)

John Finch said the original price for this was \$27,000 but with NJPA pricing it's \$26,156.50. This will taken out of CHIPS money. Resolution for 3/7/17.

7. Discussion – Trench Box for Water Department. (JAF)

Team EJP Syracuse NY	\$4187.00
A.J. Vel, Ltd.	\$7690.00

John Finch explained he would like to purchase a trench box for the water and sewer department. He said they have never had one and it's a safety item he feels they need to have. He said whether they are doing a water tap, hydrant repair or water break, which they will be doing as many of those as they can, this will pay for itself if they do two repairs just by not having a contractor do it. If a contractor has to bring their trench box in it's an extra charge, where they could use the Town's if they had to. This is a 4 foot high by 7 foot long rugged light-weight aluminum trench box, which is the base one. He said this will work if it isn't a really deep hole but they do have 2 foot extensions so they can be used in deeper holes. Councilman Grubham said with most of the sewer work they would have to go in deeper. The cost for a 2 foot extension and bracing is about \$700. This will be taken out of tools and

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repairs. Councilman Grubham said if extensions are about \$700 then they should buy at least one because if there is a sewer break they wouldn't have time to go get an extension. Resolution for 3/7/17.

8. Discussion – Request from Five Mile Point Fire to extend the water line on N. Woodhill approximately 1000 feet and install an additional fire hydrant. (JAF)

John Finch said the Five Mile Point Fire Co. asked him if the town could look into extending the water line on N. Woodhill. He said when you come off Loughlin Road onto N. Woodhill as soon as you get into the Highland Heights development the first hydrant is about 300 yards from Loughlin Road. They would like the water line to run out to near the end of Loughlin with the installation of another hydrant. He said only 4 more houses would be involved, if they wanted to hook up. It was noted that the whole district would pay for it. Councilman Grubham said there was a fire in that area recently and they probably had a hard time getting water to it.

9. Discussion – Request from John Finch, Jr. to attend the New York Rural Water Association's 38th Annual Technical Training Workshop at the Niagara Falls Conference Center in Niagara Falls, NY to be held May 22 – 25, 2017 at a cost of \$325.00 for the registration fee and \$387.00 (\$129.00 per night) for the hotel, with all reasonable expenses paid. (JAF)

Councilman Grubham questioned why Alan Glover isn't going to this training. John said he likes going to Sydney or more local training. He said when Brian gets his certification he will probably be going to them. Resolution for 3/7/17.

10. Discussion – Spectrum Cable Franchise Agreement. (GEK)

Supervisor Kniffen explained the former Time Warner Cable has now been taken over by Spectrum Cable. The Town has not had an official agreement since 2012 and part of that was due to the transition. The transition is now done and Mr. Blaise provided a draft of a proposed agreement including his comments. Supervisor Kniffen said the number one thing they tried to get into the agreement was that they would expand coverage on roads with less than 20 homes per mile and that was a no go. He said that is still an option because of the broadband expansion. He explained that part of the consolidation with Spectrum taking over was that Spectrum had to add 145,000 homes in NYS. Kirkwood's homes are part of that 145,000. Also there is a Phase 3 with broadband expansion and while Kirkwood missed the 2nd phase through no fault of their own, they will make sure they don't miss the 3rd phase. Mr. Blaise reviewed draft revisions such as a language change regarding gross revenues, and that they will provide free drops to the town hall, town garage, fire departments and schools. He added that they asked if Spectrum would provide introduction of service at no construction charge to the entire town and they said no. They said they would extend their plan without a contribution and aid in construction in areas of the town where the density is greater than 20 homes per

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mile. Mr. Blaise said he thinks this means if Spectrum chooses to, they can go down to the 20 limit and right now they can charge the home owners and they will waive the construction charge if they find an area where they want to expand the service if it is 20 or greater per mile. Spectrum also agreed to quarterly payments instead of annual payments on the franchise fees. The Town Board will review the draft agreement prior to the March 7th meeting. Resolution for 3/7/17 meeting.

11. Shared Service Committee. (GEK)

Supervisor Kniffen explained that Kirkwood and the Town of Binghamton have recently been added to this committee of about 15 to 20 people which meets at the library every two weeks. This committee was created because of the Governor saying that any shared services should be put on the ballot. If that will be the case they need to get working on this. He said he believes this is more of a consolidation committee.

12. Court Audit. (GEK)

Supervisor Kniffen reported the State Comptroller's office just completed a court audit for 2015 through September 2016. The reason for the audit is because the courts used to fund their own department as well as additional money for the town but that is going down. Now the weigh station on Route 81 is not being used and the State Police are concentrating their efforts on Route 81 in the Town of Chenango. Previously Kirkwood's court ranked 48th in the state and now ranks 52nd. He said the town's Budget Officer, James Smith, conducts an internal audit every year and the only suggestion from the Comptroller's office is that in the future the report be issued to both the Town and the court.

13. Broome County Dog Shelter Agreement. (GEK)

Supervisor Kniffen said a higher quote for services was also received from the Humane Society. The cost for services from the Shelter is down from \$10,250 last year to \$7,450 this year. Resolution for 3/7/17 audit.

14. Kasmarcik Property. (GEK)

Supervisor Kniffen reported this property has been taken over by Broome County for taxes. He said the County is willing to turn the property over to the Land Bank which is funded by the State and tries to rehab properties for economic development. A quote has been received from Gorick Construction to remove the structure and an application has been made to the Land Bank for them to take over the property.

15. Discussion – Bridges Route 81. (GEK/LCG)

Councilman Grubham reported that the bridge decks on Route 81 N over Colesville and Loughlin are going to be replaced. A temporary ramp off Stratmill Road will be put in for people to enter Route 81 N. This is a 2-year project that will be starting this spring.

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16. Discussion – Proposed Transitional Duty Policy. (ONB)

Mr. Blaise provided a draft of a Limited Duty Policy for Kirkwood which includes PERMA recommendations. Per John Finch PERMA will provide a check list to the doctor of what work an employee can't do and based on that they would determine if there is light duty available for them at that time. A doctor will determine when they are ready to go back to work and depending on the injury it could be for 30, 60 or 90 days. Mr. Blaise said PERMA will be managing this and through the worker's comp carrier they could send the employee to their own doctor in regard to when they can go back to work. He added that the policy states limited duty assignments are meant to be temporary and transitional in nature and will not exceed 90 days, unless an extension is granted by the Town and extensions of limited duty assignments will be made by the Town on a case by case basis. The decision would most likely be made by the supervisor of the department. It was noted this would save the Town money and should only involve injuries that are work related. Resolution for 3-7-17.

16a. Leonard Basso.

Supervisor Kniffen explained that Len was a past member of the ZBA and is interested in 2 pieces of Town property located at the intersection of Trim Street with Route 11 across the tracks and in the flood plain along the river. Len understands that he cannot build on the property but would like it for fishing, and other recreation. Supervisor Kniffen noted that the Town took over the property from the French family to protect the area from further mining. Councilman Grubham noted a concern since the property is landlocked with no access.

16b. 265 Industrial Park Dr., LLC (The Company)

Supervisor Kniffen reported that The Company has negotiated with The Agency (formerly IDA) regarding the old Link building and will be holding a public hearing at the Town Hall on Friday, March 10, 2017 at 10:00 AM.

17. Audit of Claims.

No discussion. Resolution for 3-7-17.

18. Executive Session.

Councilwoman Yonchuk moved to adopt resolution to adjourn this meeting to conduct and Executive Session pursuant to Section 105 paragraph d of the Public Officers law to discuss proposed, pending or current litigation. Councilman Grubham seconded. All voted in favor. MOTION CARRIED.