

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**March 7, 2017**

A regular meeting of the Kirkwood Town Board was held on March 7, 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  
Scott Baker, Broome County Legislator

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** February 7, 2017 Town Board Meeting

**PUBLIC PARTICIPATION:** None.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

**Street Lighting.**

Councilman Diffendorf reported that he recently checked street lights and turned in 35 that were out. He noted that some lights work on and off so that may not be all of them and there were a number of them on Industrial Park Drive. He is also going to check into the process of changing some of them to LED lighting, adding that he doesn't think they should get into owning poles if that is part of the procedure. Councilman Grubham said the City of Binghamton just spent a lot of money to change to LED lighting but they will probably recoup that in 3 to 4 years.

**Insurance.**

Councilman Weingartner reported the annual insurance renewals are done, with about a \$400 increase for better coverage. Flood insurance for both the highway garage and town hall have been renewed as well with an increase of about \$200 for both of them.

Supervisor Kniffen noted they bought land in the event they needed to move the highway garage with no conclusion and they also looked at increasing the flood insurance, with the thinking that would offer protection from damage from another flood. Councilman Grubham said the town was covered for about a half a million at the time of the last flood and the insurance company will only pay the town whatever the loss is, and the loss for the last flood was only about \$90,000. He said he doesn't think it would help to increase the coverage because the town wouldn't get it anyway. Supervisor Kniffen said the idea is for protection and there could be a worse flood. Councilman Grubham said they will only get the amount of the damage. Supervisor Kniffen said they've never paid 100%, which could be the case if it was totally damaged and had to be replaced. Councilman Weingartner said because of the things they have done to help things they would never get 100% replacement. Councilman Grubham said they might want to increase the coverage on the town hall instead of the highway garage. Supervisor Kniffen is going to look into it.

**Solar Committee.**

Marchie Diffendorf reported that the Solar Committee is making progress and they will let the Board know if they need an extension for the moratorium deadline.

**Water System.**

Supervisor Kniffen reported the town's water system received high marks from the Health Department.

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**Landfill – Tipping Fee.**

John Finch said he has been advised that one day a year, a day in May of his choosing, they can take household items to the landfill and the fee will be waived. This includes things such as furniture and mattresses but not refuse, tires or electronics. A resolution will be required stating the Board accepts the fee waiver and will participate. He said he thinks it's a good idea and will help to keep people from throwing things along the roads. He explained that people would bring items to the garage and then the town would take them to the landfill at no cost. He noted there will be another day that they will accept electronics and he will advise when that date is set. Mr. Blaise said the Town of Dickinson has been successful in doing this and he has a standard resolution to use. John added that refrigerators can be left at the garage and they recycle them for the metal. He said that during the brush pick-up the first part of May this year they are including a white goods pick-up as well. Councilman Grubham noted a concern regarding Freon used in refrigerators and freezers. John said Gary's accepts them as is, with the doors removed, but he will check on the Freon concern. Marchie Diffendorf said there are certain days that electronics can be taken to the landfill without a charge but it is still a 60-mile round trip.

**Highway Secretary Salary.**

Supervisor Kniffen reported they researched the salaries of the highway secretaries in the towns of Binghamton, Chenango and Conklin and they are:

Binghamton	4 ½ years	\$34,445
Chenango	4 ½ years	\$37,000
Conklin	Unknown	\$37,250

He said Kirkwood's highway secretary, Sue Glovich, has been employed for 10 years and is currently making \$31,512. He noted that her hourly rate as a full time secretary is less than the town's part time code department secretary. To bring her up to the level of the other towns they are proposing a 3-year plan, to give Sue \$1,000 a year for 3 years in addition to the annual increase which runs about 2.7% and at the end of 3 years she would be up to about \$37,215, noting that they realize the salaries of the other town secretaries would be increasing in that time as well. He said they feel Sue's salary is an inequity and there is very positive feedback on her performance and everyone that has interfaced with her holds her in high regard.

Councilman Grubham said Sue feels she is underpaid and compared to other people she is. She works really hard and does things in addition to being a secretary and there is a lot to that job. He said in his experience with her, she has done a very, very good job and has command of everything. It was noted that Sue currently makes \$15.15 an hour and the part-time secretary in the code office makes \$15.35 an hour. Supervisor Kniffen explained his calculations regarding the projected increases for the 3 years of the plan, noting it would actually start next year, and although he would like it to start now, the budget has already been set for this year. He suggested they adopt a resolution now to ensure this gets in the budget for next year. Councilwoman Yonchuk questioned why they couldn't give Sue the \$1,000 now in addition to her current salary of \$31,512, noting it would result in a re-calculation of the proposed amounts for the 3-year plan as submitted for consideration. Since everyone was in agreement, a resolution will be needed to increase Sue's salary by \$1,000 for the remainder of 2017, for a total of \$32,512 as well as the increases for 2018 and 2019.

**Independent Contractor Hourly Rates.**

Supervisor Kniffen explained that the rates for temporary help have not been increased since 2008 and he thinks they should look at increasing them. Currently the rates are:

Temporary Workers	\$10.64
Clerk Typist	\$11.11
Stenographer	\$11.98
Account Clerk Typist	\$12.81

He added that there have been no increases for the ZBA and Planning Board since 2008 either. He will report back to the Board after additional review.

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**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution authorizing Liquid Engineering Corporation to perform inspections and cleaning of four (4) water tanks at a cost of \$8,895.00. Councilman Diffendorf seconded.

42-17  
Water Tanks  
Inspection

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Casey's Truck Salvage to repair the rear end of the 1999 Volvo truck at cost of \$4,000.00. Councilman Grubham seconded.

43-17  
Truck Repair

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 authorizing the purchase of a 2690 Kubota tractor/mower with a 72-inch mower deck from Goodrich Implement at a cost of \$19,117.45. Councilman Weingartner seconded.

44-17  
Kubota  
Tractor  
Purchase

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution authorizing the purchase of a new ODB trailer mounted vacuum debris collector, Model LCT600 from Old Dominion Brush, Co., Inc., at a cost of \$26,156.50, with the money taken out of CHIPS money. Councilwoman Yonchuk seconded.

45-17  
Leaf/Debris  
Collector  
Purchase  
DPW

**Discussion:** In response to Councilman Weingartner, John Finch said this does comes on a trailer. Councilwoman Yonchuk questioned if there is a way to know how much CHIPS money they will be getting next year, what the basis of the calculation is and if it will even be there. Supervisor Kniffen said they have discussed that there would be an MOU (Memorandum of Understanding) with CHIPS over a 5-year program, guaranteeing those funds. It turns out that it's not the CHIPS money but Pave NY, which he said he's never heard of. John Finch said they roll it all into CHIPS but it's through Pave NY. He said they get about \$27,000 from Pave NY and about \$97,000 for CHIPS. According to John they always say the total of the two is CHIPS money. He added that Pave NY is strictly just for paving but CHIPS money can be used to purchase equipment or pave roads and there is a certain amount of time frame to use CHIPS money on a road and money can't be used on that same road again for a certain number of years. The Pave NY part isn't in effect until the Governor adopts the budget this year, and when it is adopted the MOU will be in effect for 5 years, guaranteeing the \$27,000 that the town gets. CHIPS money is based on mileage of roads in the town and usually doesn't change, unless they decide to eliminate it. In response to Councilwoman Yonchuk, John said if the money is not used in a year it can be transferred to the next year.

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

MOTION CARRIED.

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46-17  
Trench Box  
Purchase  
W&S

Councilwoman Yonchuk moved to adopt resolution authorizing the purchase of a 4' x 7' Trench Box Shield from Team EJP Syracuse NY at a cost of \$4,187.00 and a 2 foot extension and bracing for approximately \$700. Councilman Diffendorf seconded.  
**Discussion:** Councilman Diffendorf said this is something that has been needed for a long time but questioned what has brought this about now. John said they now have an experienced operator that he trusts that will do a good job and is also safe. He said they plan on doing their own digs, weather permitting and if they have enough manpower. He said for the cost of this compared to paying a contractor to do 2 repairs, this will pay for itself and if it happens they can't do the dig they would still have the trench box and then there wouldn't be a charge for the contractor to supply it. He noted this is aluminum, light enough to be put in the back of a pick-up truck, and is expandable up to 64 inches.

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

MOTION CARRIED.

47-17  
J. Finch  
Attend  
Conference  
(Water)

Councilman Diffendorf moved to adopt resolution authorizing John Finch, Jr. to attend the New York Rural Water Association's 38<sup>th</sup> 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. Councilman Grubham seconded.

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

MOTION CARRIED.

48-17  
Franchise  
Agreement  
Cable TV  
Time Warner  
Et al

Councilman Grubham moved to adopt resolution authorizing Supervisor to enter into the Franchise Agreement to Provide Cable Television Services with Time Warner Cable Northeast LLC l/k/a Charter Communications, in accordance with the attached Franchise Agreement. Councilman Weingartner seconded.

**Discussion:** Supervisor Kniffen explained that the prior agreement expired in 2012. He said when he and Mr. Blaise negotiated with Spectrum they tried to get some of the roads with less than 20 homes per mile added into coverage, but they were unsuccessful, but that is still alive with broadband. When Spectrum acquired Time Warner, one of the conditions was that they would add 145,000 homes in NYS and Spectrum said they did add those. There still is another phase with broadband so they will still continue to work on this. Councilman Diffendorf questioned why the Agreement doesn't say Spectrum. Mr. Blaise said he questioned that as well since there are 3 different names on the Agreement. He will check into it and ask them to clarify that, although he noted that Spectrum has to honor the Agreement, adding that it has to be approved by the Public Service Commission.

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

MOTION CARRIED.

49-17  
Br Co Dog  
Shelter  
Agreement

Councilman Weingartner moved to adopt resolution authorizing Supervisor to enter into an agreement with the Broome County Dog Shelter, in accordance with the attached agreement. Councilwoman Yonchuk 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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Councilwoman Yonchuk moved to adopt resolution adopting the Town of Kirkwood Limited Duty Policy, in accordance with the attached policy. Councilman Diffendorf seconded.

50-17  
Limited Duty  
Policy

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

MOTION CARRIED.

**NEW BUSINESS:**

**Discussion – Board of Assessment Review members.**

Supervisor Kniffen explained that two of the members and the secretary have resigned. After advertising for new members they received no response for members and only one response from a Kirkwood resident, Catherine Knapp, for the secretary position. After speaking with her, Mary Kay feels she would do a good job. In regard to the membership, Supervisor Kniffen said normally they would like to have an odd number. Mr. Blaise said the statue says they can have 3 to 5 members, either odd or even. He noted the concern of a tie with 4 members but they would have one more than needed for a quorum. He said if there are only 3 members everyone would have to be present and agree on everything. Supervisor Kniffen said although there was no response to the ad in the paper they did receive a letter of interest last fall from Ed Egan, which would make 4 members. Councilwoman Yonchuk questioned if there were an even number of members on the BAR with a tie vote, what the procedure would be. Mr. Blaise said in that event the Board could not make a change. Supervisor Kniffen said he would be for 3 members. Councilman Diffendorf said he feels there should be more voices to express their opinion, so he would be for 4 members. Councilwoman Yonchuk said although she would prefer an odd number, she thinks the small number doesn't give the opportunity for the input needed. It was noted that the current members are Jason Griffin, Mike Maciak and Tiger Gorick. Councilman Weingartner said he would like to see more members and he thinks he might be able to find someone interested in the position that did not see the advertisement in the paper. It was noted that the BAR meets in May and Mr. Blaise added that any new member would have to undergo training to sit on the Board. Councilman Grubham said he does not like the idea of having an even number and not getting a decision at a hearing. He would rather stay with 3 members in that case but would rather see if they could still find someone else to get it back to 5 members. Supervisor Kniffen said if someone is really interested they should contact him and they could make the appointment retroactive since there isn't much time to act on this.

Councilman Diffendorf moved to adopt resolution appointing Catherine Knapp as Secretary, Part Time, to the Board of Assessment Review effective March 8, 2017 at a rate of pay of \$11.98 per hour. Councilman Grubham seconded.

51-17  
Appoint  
C. Knapp  
BAR  
Secretary

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 the Standard Work Days for Councilman, in accordance with the attached Standard Work Day and Reporting Resolution for Elected and Appointed Officials. Councilman Weingartner seconded.

52-17  
Est Standard  
Work Day  
Councilman  
Retirement

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

MOTION CARRIED.

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53-17  
Recertify  
W Diffendorf  
Retirement  
Hrs.

Councilman Weingartner moved to adopt resolution accepting the Recertification of the Record of Activities for William J. Diffendorf, Jr., Councilman, in accordance with the attached recertification. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

54-17  
M. Sullivan  
J. Smith  
Attend  
Retirement  
Seminar

Councilwoman Yonchuk moved adopt resolution to approve the request from Mary Kay Sullivan and Jean Smith to attend an Employer Education Seminar sponsored by New York State and Local Retirement System on Thursday, April 13, 2017 from 9 am to 3:30 pm to be held at the Sidney Memorial Public Library, Sidney, NY, with all reasonable expenses paid. Councilman Diffendorf seconded.

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

MOTION CARRIED.

55-17  
Amend  
Benefit Plan

Councilman Diffendorf moved to adopt resolution amending Section 2 – Health and Dental Insurance, 4.) Eligibility for Coverage into Retirement, of the Town of Kirkwood Benefit Plan, in accordance with the attached Benefit Plan. Councilman Grubham seconded.

**Discussion:** Supervisor Kniffen explained that in planning for the future the Board amended the current retirement requirements, which currently at 15-19 years of employment and age 55, an employee gets individual coverage into retirement to age 65, and with 20 years and above an employee would get whatever their insurance was as an active employee, from age 55 until 65. That was amended to a retirement age of 62 and at 65 the employee would come off the town insurance and go into the pool allowing \$2,400 a year for any medical expense such as insurance premiums, doctor bills, prescriptions, etc. He said employees hired before that date would be grandfathered in under the then current plan and the new plan would affect anyone hired after that date, but he found nothing in writing in the plan protecting the people hired before the change so this would take care of that.

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

MOTION CARRIED.

56-17  
Salary  
Increase  
S. Glovich  
DPW

Councilman Grubham moved to adopt resolution authorizing an increase to the 2017 salary of Sue Glovich to \$32,512 to be fully paid within 2017, and to be increased by \$1,000 and the annual employee increase for 2018 and 2019. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

**AUDIT AND PAYMENT OF CLAIMS:**

57-17  
Audit/Pay

Councilwoman Yonchuk moved to adopt resolution authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts (Fire, Light, Water and Sewer Districts), Professional Services, Capital Projects and Reserve Funds claims, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 3, 2017, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Diffendorf seconded.

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                         Councilman Grubham              - yes  
                         Councilwoman Yonchuk           - yes  
                         Councilman Diffendorf           - yes  
                         Supervisor Kniffen                - yes

MOTION CARRIED.

**OTHER:**

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to Section 105 paragraph d of the Public Officers Law to discuss proposed, pending or current litigation. Councilman Grubham seconded.

58-17  
Exec. Sess.  
Litigation

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 Grubham seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 8:03 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk