

TOWN OF KIRKWOOD WORK SESSION

June 27, 2017

Present: Supervisor Gordon Kniffen
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilwoman Linda Yonchuk
Councilman William Diffendorf, Jr.

Also Present: Brady Begeal, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch, Jr., DPW Commissioner
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman
Jessica Kinney, Deputy Town Clerk

1. Discussion – Update LED lighting. (GEK)

Supervisor Kniffen explained that the City of Binghamton changed most everything over to LED lighting at a substantial cost savings. Since Kirkwood is considering it, we contacted Binghamton with the following questions: Who does the implementation, who does the maintenance, to whom does the municipality pay the bill, is NYSEG involved, what is the percent of estimated savings and are there any other issues. As far as implementation, Binghamton hired Johnson Controls to put a package together and also hired a firm to take care of the maintenance once it is hooked up. In regard to paying the bill, Binghamton purchases their electricity and gas through MEGA. Supervisor Kniffen noted Kirkwood looked into MEGA for power supply in the past but did not find it favorable to Kirkwood. He said NYSEG is not involved and there is a 50% or more savings. He was told there is an issue with the poles. Supervisor Kniffen said in trying to get cable extended, one of the problems is always getting the poles to put the wires in. He recently asked when Johnson Controls was hired how much that cost as well as the cost of the maintenance. He said after we get that information we can consider going forward. In response to a question from Councilman Grubham about what the issue is with the poles, it was noted that Kirkwood uses NYSEG poles but in Binghamton they actually have dedicated street lighting poles and this could involve instances where the poles are hit and maintenance on them. Councilman Diffendorf said currently Kirkwood does not pay for pole rental, only bracket rental, so if the light is on or off the town pays the same bill. If we decide to go with LED it would not be NYSEG that fixes the lights. More information to come in this regard.

2. Discussion – Fair Committee gift to the Town. (GEK)

Supervisor Kniffen explained that recently Judy Sopata, Chairman of the Kirkwood Fair, came to them with their annual gift to the Town from the Fair. One thing talked about was cameras for Veterans River Park but a big issue was to ensure that people's privacy was taken into account in the decision making. He said he thinks we would only turn the cameras on at night so the privacy issue might not be a problem. Councilman Grubham said the privacy issue is his biggest concern and if we are going to spend money at the park he would rather spend it on

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the veterans' memorial. He said we talked about using the \$4,000 from last year's fair on the memorial. Judy Sopata said they cannot turn that money over to the town until a specific use for it is confirmed. She added that profits this year, over and above expenses, will be gifted to the town as well. John Finch said the cost for the 4-camera system is \$599.

Councilman Grubham said he knows the cost to refurbish the veterans memorial will be at least \$12,000, so if we are going to do it we will have to contribute some of the money. Councilman Diffendorf suggested it would be an honor for the Fair Committee to present it to the Town at the fair for that purpose.

Sandy Wasson, as a walker at the parks, said it would be nice to know the cameras are there when she walks by herself. In regard to the privacy issue, she said the cameras would only be used if there was a problem, for security purposes. Councilman Weingartner said he likes the idea of \$600 for the cameras and use the rest for the veterans' memorial. Councilwoman Yonchuk agreed since she feels \$600 less for the veterans' memorial is not a huge difference considering the total cost will be around \$12,000. Since the cameras would be put in for security purposes, Councilman Weingartner said they would be put in an area where vandalism usually occurs. He suggested that signs could be put in that the cameras are in use for the public's protection. Supervisor Kniffen said he likes that idea. Councilman Grubham said he is never comfortable with this kind of big brother deal where people are watching over you all the time. He understands the point made about walking, but said most of the time cameras won't be in that direction, they are supposed to be in the area where they are having vandalism, so they won't be covering the entire park. If the entrance is covered it was noted then you could see who is coming and going. Councilman Grubham also questioned who will be doing the watching. It was noted that no one will be monitoring it all the time, only if something happens. Councilwoman Yonchuk said even if we put in a mega system that covers the walking trail, we are talking about a public place and not really talking about invading someone's personal privacy. She added even if there was a problem in the restrooms she would be against putting them in there, but she has no problem with them on the buildings, the veterans' memorial, gazebo, etc. Councilman Diffendorf said he agrees with Councilman Grubham because basically then anyone could go to the park and film someone and he feels that's an invasion of privacy. Resolution.

3. Discussion – Veteran's Memorial. (LCG/JAF)

Supervisor Kniffen said he thinks this is something the Board all supports since it needs updating and as far as he is concerned the sooner the better. Councilman Grubham said we are getting pricing on it but we don't have to get actual bids. He said we got two prices last year and John Finch said we are waiting for a bid from Green Acres. Councilman Grubham said this project will get done this year. After discussing options as to how to proceed, Councilman Grubham said he does not want to set an amount tonight, that he would like to have all the bids in first. Supervisor Kniffen said we could hold a special meeting if needed.

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4. Discussion – Update on auction sale. (JAF)

John Finch provided a list of the items that were sold on Auctions International for a total of \$15,587.50. He had estimated that amount would be around \$10,000. In addition to this he said they still have to sell the two Ford tractors, a Dodge truck, the DCO minivan and truck 33. He will check with Windsor to see if they are still interested in truck 33. He added that one of the brooms that was in the auction did not sell so he will put that back on the auction to see if they can get more for it. Councilman Weingartner said this is good that John is making some money and he noted the town is also saving money on insurance premiums because vehicles are being taken off.

5. Discussion – Lawn mowing agreement for vacant properties. (C. Moran)

Supervisor Kniffen explained that homes get vacated and banks take them over and in many cases lawns get a couple of feet high and there is an ordinance about that. In the past we have gotten prices and had someone do the mowing and it is added to the taxes on the property, so hopefully we get it back. The Code Department monitors this and reports to the Board about which properties are involved and the condition of each, and this is becoming an annual event. This year Chad has gone out for prices and no one is really interested since they are all busy at this time of year. However he did get quotes from Tim Bailey and Parisi Landscaping of Kirkwood. Councilwoman Yonchuk noted that the Bailey bid covers each specific property and the Parisi bid just covers two properties. Although we like to use Kirkwood businesses, Supervisor Kniffen said we really only have one bid – from Tim Bailey. Resolution.

6. Discussion – Road Bonding. (JAF)

Supervisor Kniffen explained that every year the Highway Superintendent has to provide the Town Board with a list of roads that he wants to repair the next year for the budget. He said her discussed with John Finch about doing a big project by doing a lot of roads at one time and maybe perhaps by doing that and doing it right it won't require the amount of maintenance that the roads require now. Supervisor Kniffen said we've gotten quotes and the estimate is \$1.4 million. Since then Senator Akshar has promised \$400,000, which would take the total to be bonded down to \$1 million. Supervisor Kniffen said the Board has talked about this, but he thinks it is important that they do a resolution saying they want to go forth on this project. Once we get into it a bonding resolution will be required as well. Supervisor Kniffen said he feels the Board should discuss this because one could say since we're getting this \$400,000 as a grant maybe we could do more roads and spend \$1.8 million. He said he is not suggesting that but wants to discuss it.

Councilman Grubham said he is in favor of the project but he wants to be careful that it doesn't get out of hand. He questioned how we are going to pay for all the ditching, etc. John Finch referred to a rough draft of a report he received from Geoffrey Scott of Cornell Local Roads. John explained that he and John Mastronardi (Town Engineer) showed Mr. Scott every road/ditch in the proposed project. He provided the in-depth report which basically states that all the ditches are in terrible shape since they have not been maintained. Some of the cross-

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over pipes are at issue as well. John said his department will obviously be doing ditching whenever they can, but they don't have the manpower or time to do roughly 16 miles of ditches, it is not possible. So his recommendation is to hire a contractor locally to help with this huge task. He said he thinks the \$400,000 will definitely go a long way in getting the roads ready for this major project. It was clarified that money for the ditching will be in addition to the \$1.4 million. John said the price he quoted was just for doing the roads but the town will be throwing money away if we don't clean the ditches first. He doesn't think it would cost \$400,000 but it would help in getting the ditches and cross-over pipes done. John said the total cost of the project would be somewhere between \$1.4 million and \$1.8 million but he won't have a figure until they get prices from contractors and that will depend on how bad some of the ditches are.

Supervisor Kniffen said we all agreed to bring Cornell into it, that they are experts, so it seems like the Board should now consider something more than \$1.4, although a total amount is not known at this time. John said his recommendation would be to still bond for \$1.4 million and use the money from Senator Akshar's office for the ditching and if there is any extra possibly do some extra roads. Supervisor Kniffen said we know the \$1.4 million amount, now we will be adding cleaning the ditches so we should find out what the cost will be for that and see what \$1.4 becomes and if it doesn't become \$1.8 why would we go up to that, since we already agreed on how many roads to do. Councilman Weingartner said with the little extra shot in the arm in the form of a grant from Senator Akshar's office, he is with John and thinks it would be a good thing to possibly fix more roads. If before they were financially OK with it, he thinks they should stay with that and the extra \$400,000 can make the project better and get more done. Councilman Diffendorf said he kind of agrees and thinks they need to get on the ditches, that they are going to take time so they need to get the \$400,000 as soon as they can. He said he doesn't have a problem with going from \$1.4 million to \$1.8 million as long as it's handled properly as far as taxes. Councilwoman Yonchuk said she agrees.

Since they have no idea what this is going to cost, Councilman Grubham said he would first like to know that. A contractor should be able to give them a good idea of what that will cost. He would like the numbers tied down a lot tighter than maybes. He added that this is what we need to do because of the problems with the roads, but we are only doing 16 miles of roads and questioned what we will be doing with the rest of the roads and shouldn't the ditches get done on the other roads as well. John said he thinks we should use as much money as we can to get as many ditches done as we can. He said most experienced operators should be able to know how many feet they can do in a day. Councilman Grubham said he knows the ditch work is important, that there is no sense in doing the roads if we don't do this. John noted there is a timeline included in the report from Mr. Scott. Councilman Diffendorf said there is something in the report that is very important in regard to the ditching. We have to get the water off the road, in the ditch and then out of the ditch. The water can't be left in the ditch because that is what has been happening and then it goes under the road and makes a soft spot. He agrees with Councilman Grubham that all roads have to be ditched. Councilman Grubham added he thinks

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this is all a good idea he just wants to make sure we have everything in order before we start and then find out it is way more money than we expected.

If this goes through as he expects it to, John said he would like to start ditching in October at the latest. Although they started ditching on Grange Hall, he said they are currently putting in a lot of driveway and cross-over pipes. It was noted there are 44.5 miles of town roads.

7. Discussion – Brian Kinney – Grade C Certification. (JAF)

John Finch explained that Brian Kinney will have been here for six months on July 3rd and he passed both his Grade C and Grade B certification. A letter will be sent to the Health Department recommending he now obtain a Grade C license. According to the Town's Policy, John said he would like to make sure Brian gets his \$800 increase in hourly rate for the Grade C and after one year he will have his Grade B license and he would get another increase at that time. Resolution.

8. Discussion – Woodhill Court drainage issue. (JAF)

A drainage problem was addressed years ago and John Finch said it has now moved a couple hundred feet down the road. There is standing water between the first and second apartments on Woodhill Court and it extends roughly 40 to 50 feet from the parking lot out to one of the buildings. On the edge of the road it's wearing away the side and the building owner has been complaining about it for quite some time. When it was paved a couple of years ago something wasn't done properly and the water doesn't drain. It should have been pitched more so the water would get off the road but it is trapped there. The owner is looking for some type of resolution. After going up there, John said he and John Mastronardi came up with a drawing of the issue and got prices from three contractors. The cost to remedy this would be between \$14,000 and \$20,000 for labor. He said the town would provide the catch basins and pipe for an additional \$2,000.

Councilman Diffendorf said he sees this as a storm sewer district, with catch basins. He said the property owner is going to have to pay for it through taxes since this is creating permanent maintenance with piping underground for long distances. Supervisor Kniffen said this was paved in 2012. Councilwoman Yonchuk said she recalls that people from Woodhill Court and Acre Place came in because it was spilling over into their back lawns. John Finch said that problem was fixed, the drainage between Woodhill and Acre Place, but this is a new problem. He said it is on the Town's right of way, that it's basically in the road. The water is coming from many locations, from the parking lot and down the road. Councilman Weingartner said the water issue is something he remembers from years ago when he lived at the apartments. He said there's always been water in that area, for at least 20 years. Councilwoman Yonchuk said when we talked about this before there was an issue with water coming from the highway as well. Councilman Diffendorf said we have spent a lot of money already and we should probably go see the situation when it rains. Supervisor Kniffen questioned if it was money well spent. He questioned if it a case when good decisions were not made as to how we went about it, wouldn't it be on the Town to go back and fix the situation we may have not really fixed.

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Councilwoman Yonchuk said it sounds like what was fixed before is not the same problem now. John said a problem was fixed, but this problem wasn't fixed or it was created. John said there is not silt/gravel running down the road. Councilman Diffendorf said that was the case before so that was solved. He is questioning how much should be spent for occasional issues. Councilman Grubham said he would at least like to take a look at it after it rains to see the issue because we would basically be spending possibly \$22,000 to fix the entrance into a parking lot.

9. Discussion – Resolution authorizing hiring David Copeland as Laborer to work in the Parks Department effective July 5, 2017 for 90 days at a rate of pay of \$12.82 per hour. (JAF)

Resolution.

10. Discussion – Covered Bridge. (JAF)

John Finch explained that this is the 20th anniversary of the covered bridge which was built in 1997 by his father and he thought it would be a nice tribute to name the bridge after him since it wouldn't even be there if he hadn't built it. It is quite the place for photographs and Channel 12 featured it in the past. He feels it is an attraction to the town.

Councilman Grubham said the problem with this is not that John's dad is not deserving of recognition, but there are so many people that have done so much that there is a concern as to where start and stop. He noted his dad was on the committee that got the land for the park and was a big influence in getting the property from the State of New York. Councilman Grubham said his father put in 60 years for the town as little league coach, girls softball, ran the Youth Commission, 37 years on the Planning Board and Supervisor and he is not asking that anything be named after him. He noted that Councilman Weingartner's father served as Town Justice for 37 years as well and there are a lot of people who are deserving but how would it be decided if and where their names should go. For those reasons he is not in favor of this. Councilman Weingartner said he feels the same. Councilwoman Yonchuk said although she agrees, we have named things after people and we have had this discussion before. Some of the people that have had things named after them were mentioned. Councilman Grubham said he did some research and in 1896 the Town Clerk served for 27 years, with the point being there are so many people even from way back then that have done great things for the town and in many cases didn't get paid for it. Supervisor Kniffen said if it was his dad he would be asking for it too but John's heard all the reasons why we shouldn't do this. Councilwoman Yonchuk said she wants it noted that she is not necessarily opposed to this, since we have already done it for other people.

11. Discussion – Broadband Expansion. (GEK)

Supervisor Kniffen explained that a couple of years ago Governor Cuomo appropriated \$550 million in New York State to expand broadband, with that comes cable TV. In parallel with that, there are certain areas of Kirkwood that are not covered with cable TV, basically they are back roads and historically when it was Time Warner (now Spectrum), the criteria was they

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needed 20 homes per mile and most of the roads don't have that many homes per mile but they would still like cable TV. When it was still Time Warner we asked if anything could be done but they said there was nothing they could do. In the meantime they were taken over by Charter, with the cable part being Spectrum. Spectrum was approached about the same thing. Part of the requirements of the merger was that Spectrum would have to add 145,000 homes in NYS to the current base. Supervisor Kniffen said we asked Spectrum to put Kirkwood on the list as a candidate for these additional homes, which they have done. Kirkwood was not involved in Phase 1 or 2 of the program and now there is Phase 3 which is probably the final phase. Kirkwood can't apply for it as a municipality, the only one that can apply for it is a cable TV company of which Spectrum is one. If Spectrum applies for it and if it's approved, 80% of the cost would come from the program and 20% by the provider. Supervisor Kniffen noted when the merger came with the requirement of adding 145,000 homes, Spectrum were not eligible for any of the \$550 million. To date, they have only added 15,000 homes so for a while it looked good for Kirkwood. Spectrum is the only one that can apply for it but it doesn't look like they will get approved because they may have actually been fined for not meeting some of the requirements. Where this stands now is Spectrum has put Kirkwood in as a candidate for the 145,000 homes. Their trucks have been in the area and he would like to hope this is a good sign but he can't say for sure. Supervisor Kniffen said we have a contact at Spectrum who has been answering their questions. There are people in Kirkwood on some of these roads that really want cable TV and would like to see it happen but it is a tough situation. He added we have tried to get other cable companies to come to Kirkwood, specifically Adams, but they are not interested since they had a bad experience in a town adjacent to Kirkwood where they were promised that a lot of people were going to hook up so they went in and spent the money and then a lot of the hook ups never happened. Supervisor Kniffen said he has a call into the program office to see if it is accurate that Spectrum can or can't apply for the 145,000 homes.

12. Discussion – Resolution pursuant to section 3A(e) of Local Law No. 2-1979 entitled “A Local Law Regulating the Use of Parks of the Town of Kirkwood”, authorizing the Town Clerk to issue a permit to the Kirkwood Fire Company for the display of a movie with no admission charge on July 22, 2017 without any permit fee to guarantee proper clean up.

It was noted this is the third year that the movie night will be held and it has been well attended in the past. Resolution.

13. Audit of Claims.
Resolution.

14. Dog Show at Fair.

Councilman Weingartner reported that he spoke with Sandy Wasson about the dog show at the town fair as well as the town's insurance representative and Oliver Blaise and he thinks this is something that they can probably do safely. He will use some of his organizational skills and

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help them out, with his idea of using the baseball field behind fences, and it will be safe for everyone. He said Oliver provided a template for a waiver for people to sign-off on. He will get this all worked out. Councilwoman Yonchuk said she likes this idea and she wants to ensure that all the dog owners provide a current rabies certificate.