

TOWN OF KIRKWOOD WORK SESSION

December 26, 2017

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

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

1. Discussion – Water Treatment Plant Licenses.
(12/26/17)

John Finch reported that we made some changes to the existing certifications and this is the revision to the policy. Mr. Blaise explained this was discussed at the December 5, 2017 meeting, that there will be a bump up for certain licenses earned and this is just quantifying what the increases will be. John said the changes for Grade 2B, C or D are highlighted in red on the revised policy. He said these numbers are based on the information he received from Conklin and are what they pay their employees for these licenses. It was clarified that Alan Glover already has the licenses so this only affects Brian Kinney. Resolution.

2. Discussion – Expenditure of Highway Moneys. (JAF)
(12/26/17)

Supervisor Kniffen explained that at the end of each year the Highway Superintendent has to give the Board a list of roads that he plans to do maintenance on the next year. John Finch said we are going to mill and repave all the streets in Highland Heights since they are all cracking quite badly. John said for the cost to mill the roads we will save in the long run because we won't have to deal with the roads for a long time. Councilman Grubham had some reservations about this at the last meeting, but after talking with John about it he said he is fine with it. He said it will save work on shoulders and driveways and we can use the material for other things. Resolution.

3. Discussion – Well 1 Clear Well Pump. (JAF)

John Finch reported that the clear well pump is operational. He said they were told by W2O that the pump we removed was not salvageable, only the head is, which is the part above the water. They gave us a price to repair of \$21,750 or the cost of a new pump would be about \$31,000. He said we talked about whether the Town wants to make that purchase or not have a spare. He said he highly recommends we do have a spare, that we've had one in the past and although it sat around for a number of years W2O only had to do minimal work on it so we were able to put it in service immediately. If we decide to keep the head and rebuild, we still

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have 8 weeks turn-around time on putting a pump together and back on line in the clear well. If we go with a new pump it could take up to 3 months to get. Also the longer we wait the price will go up. He said it will just sit there collecting dust but would be ready to go in a heartbeat like when we needed it this time. Councilman Diffendorf said if we do get a spare pump he would want it wrapped in plastic since it would be sitting around for 30 years. John said that last one wasn't but it should be covered with a tarp, that it would be kept inside. Councilman Grubham noted a reservation with the fact that the pump could sit there for 30 years and not be used and then if needed in 30 years it would be 50 years old, or more. He said he is not convinced this is the best way to go. Supervisor Kniffen said we could also look at it that it might only sit only 2 years before it is needed. Councilman Grubham said that hasn't been our past experience and if we buy a pump that lasts only 2 years we're not doing something right. He questioned why this has to be done tonight, noting that he would like to have time to think about it. He added that he would hate to think we put \$20,000 into a pump that sits there that long. It will be outdated and may not fit the situation when the time comes. John noted the one we just put back in is over 30 years old and it's running better than the one that was in there because it is new. He said whether it sits there for 30 years or 3 days it's still new. Held for additional discussion.

4. Resolution authorizing Supervisor to enter into an agreement with Roger Studer d/b/a Studer's Body Shop & Garage, in accordance with the attached agreement.
(01/02/18)

Supervisor Kniffen explained that if a car is abandoned along the road, they are authorized to pick it up. Resolution.

5. Resolution authorizing Supervisor to enter into an agreement with Southern Tier Zoological Society, Inc., in accordance with the attached agreement.
(01/02/18)

Supervisor Kniffen explained this is an annual agreement with the Zoo in return for Kirkwood residents receiving free tickets to attend. The Town Clerk said she gave out 360 passes this past year to residents. It was noted that we give the Zoo \$2,000 in exchange for 600 passes. Thanks to Brian Kinney it was noted admission to the Zoo currently is \$8 for adults and \$6 for children. Resolution.

6. Resolution reappointing James Bukowski to the Planning Board for a term to expire December 31, 2022.
(12/26/17)

Resolution.

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7. Resolution reappointing Bruce Nemcek to the Zoning Board of Appeals for a term to expire December 31, 2022.

(12/26/17)

Resolution.

8. Resolution authorizing the continuation of petty cash for 2018, subject to audit by the Budget Director, for the following departments at specified amounts, pursuant to Town Law Section 64, Paragraph 1(2): (12/26/17)

Bookkeeper	\$100
Building & Code Inspector	\$100
DPW Commissioner	\$200 and \$35 for Water Department
Supervisor	\$200
Town Clerk	\$200
Town Justice	\$200
Town Justice	\$200

Resolution.

9. Amending the Town of Kirkwood Benefit Plan with changes from Collective Bargaining Agreement. (GEK)

(12/26/17)

Supervisor Kniffen explained the Benefit Plan needs to be changed from time to time for such things as when there are changes with the CBA agreement, we have to be sure there are no conflicts, and this year we increased the contribution by the employees to health insurance.

Resolution.

10. Discussion – Planning Board Vacancy. (GEK)

(12/26/17)

Supervisor Kniffen explained that there is a vacancy on the Planning Board and we want to fill the position as soon as possible since there will be activity on the Board in January. There are ad hoc members on both the Planning Board and Zoning Board of Appeals who are there to fill in if there is not a quorum. He noted also they hope to promote from within when vacancies occur. He said Tom Tracy has been an active ad hoc member and after talking with the Board members individually, we will be ratifying appointing him to fill the vacancy. Resolution.

11. Discussion – Grants (GEK)

Supervisor Kniffen stated we haven't been very active in pursuing grants and probably there have been some major projects we'd like to do but we thought were too expensive and we didn't add grants to the thought process. He said the City of Binghamton has been very successful in upgrading lights, 15 miles of roads each year and many other things without increasing taxes. Supervisor Kniffen met with the Mayor and his assistant and talked about

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grant writing. Supervisor Kniffen told the Mayor we can't afford a grant writer and the Mayor said Binghamton can't either and explained they put out a bid for any organizations that are in the business of going after grants and writing them. The company Binghamton deals with is located in Syracuse and Supervisor Kniffen was introduced to them. A meeting has been scheduled for January 4th to meet at the Town Hall with Strategic Development Specialists, owned by Mark Wladis. Mr. Blaise noted they are benefits administrators and his office has worked with them in the past. Supervisor Kniffen added that Lee Ann West is an associate and they have done some work for Broome County. He noted they work for towns and villages as well. He said we already have some things in the thought process, specifically doing something with the water tank, sending water to Windsor, work on Upper Court Street and possibly more road work. He said the process is they come and discuss what we want to go after, they would write a statement of work as to what there are going to do for us, the Town reviews it and agrees, then they find the grants and may write a couple of grants for the same project. Then instead of waiting for the results, they go and lobby for it, to whoever is behind the grant, be it the Governor's office or wherever. They really work at it and apparently are quite successful. Supervisor Kniffen said he is pleased to see us trying to do something in this area and it's an opportunity to see where it takes us. He said the City pays \$5,000 a month (which he doesn't think we will be doing), but in talking with them they know we are a Town of 6,000 people and we won't have as many projects as the City would have or the County. He said this is a beginning and he is really excited about it. Councilwoman Yonchuk said she has dealt with grant writing but it's always been in-house mostly with the Windsor School, and she questioned if it would be feasible to work on a contingency fee basis. She said she knows we can't ask them to work on the grants for nothing but possibly it could be related to the value of the grant, on a percentage basis. She said she imagines it's worth the \$60,000 for Binghamton but we're not going to know what they'll be worth to us at this point. Supervisor Kniffen said he thinks that's a good idea and they most likely will have ideas for us as well. Supervisor Kniffen said the meeting is at noon on January 4th if anyone is available and would like to attend. Supervisor Kniffen also contacted the County and said Frank Evangelisti writes grants for them.

12. Discussion – BMTS/Upper Court Street. (GEK)

Supervisor Kniffen said he sent the Board members an email about BMTS of which he is a member of the policy committee. He noted the Board should recall that they sent us pictures of curbing, sidewalks, limiting the amount of ingress and egress to all the businesses. He said when he was at the last meeting he brought this up and told Jack Williams, the Regional Director of DOT, that we were excited about this and Mr. Williams questioned what Supervisor Kniffen was talking about. Supervisor Kniffen said this was talked about at a Comprehensive Plan meeting, which involved Councilman Grubham and a lady named Lee, that works with BMTS and is also part of the County team that helped us with the Comprehensive Plan. Supervisor Kniffen told Jack Williams that we were provided with a map, that is still hanging in our back conference room, showing that DOT was going to do all kinds of things, all the way up to Colesville Road; repaving, changing lanes, putting in curbs and sidewalks and special lighting, which we were all excited about. He said in the end they did paving only because they

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ran out of money. Supervisor Kniffen said Mr. Williams' suggestion to us was not to take it all on as a big project, but possibly look for grant money for curbs, or grant money for sidewalks, things like that to see if we can get it done.

Supervisor Kniffen said many of the businesses on Upper Court Street are grandfathered in so they have what they have and they own it, regarding the code. He said he thinks Chad Moran is one of best code officers we've had, he's very active and dedicated but there are still things that we as a Board have said we want him to go after. He said there are a lot of car dealers in that area and when they go to the Planning Board for site plan review and it is approved with conditions, we find ourselves fighting to get those things done and that isn't fair. Supervisor Kniffen said he believes we should get tougher with some of the businesses because they have taken us for granted. He suggested we think about it and discuss it at length as well as other things we would like to consider doing at a future meeting. Councilman Diffendorf questioned what Supervisor Kniffen thinks can be done. Supervisor Kniffen said he thinks there are violations there now. He said people have told him it looks like a war zone. He said in the past, with instructions from the Board, Ken Newberry tried to clean up Upper Court Street and he did get some of the businesses to do something. To encourage the businesses we invited them to a meeting with slides and gave them a pat on the back but it didn't go any farther than that. Supervisor Kniffen said it did help when Kutz went out of business since the big crane is no longer sitting there. He said there are cars all over the place and they are abusing the code system and they go home at night to some other town be we live here and have to look at it every day. Councilman Grubham said there is a fair amount that can be done already. He cited a specific property that went before the Planning Board and part of the recommendation was that planters had to be built, there had to be designated areas of ingress and egress, etc. and nothing was done, it is just filled up with cars. On most of the properties they are parking a good number of their vehicles on the State right of way and that's a not acceptable. He also noted that the businesses that are doing actual repairs are only allowed to have one unlicensed vehicle per bay on the property and most of them have way more than that. He said Lechners put in a salvage yard and never came in for permission. There are any number of things that can be done and they have a right to be there but we do have some control over the appearance and at least make it better. He said we do have rules that could tighten the situation up a lot. Councilman Diffendorf said it gets complicated with the State right of way since some of the existing businesses were there. Then the State took more right of way when they put the four-lane highway in. That's why they're right at the doorstep with some of the buildings. Councilman Grubham said that's true but they abuse that. Some specific properties were referenced but it was determined that all properties have to be treated equally. In the end Councilman Grubham said all the businesses should be willing to try.

Councilwoman Yonchuk questioned if basically there is a statute of limitations involved if conditions are put on a project by the Planning Board and the business fails to follow them for a number of years. Mr. Blaise said it doesn't matter if they ignore their site plan conditions, they still are obligated to follow them. Supervisor Kniffen said we'll come to the Board with a plan

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and hopefully get something done. He said he has shared with Strategic some of the projects we'd like to talk about but there are certainly more of them.

13. Discussion – Beer/Wine in Parks. (GEK)

Supervisor Kniffen explained that there are parties and weddings that people want to reserve pavilions at the park for. At the time the Parks Use Local Law was adopted allowing alcohol was considered and at that time it was decided only beer would be allowed, not liquor or wine. However, as time went on people are questioning the Town Clerk as to why they can't have wine for these celebrations. He said although he doesn't think we would ever allow liquor, he thinks we should give some thought to add wine. Councilman Weingartner said he is fine with it because people drink wine the same way they drink beer. He feels the alcohol content is basically the same. Councilman Diffendorf said he does not have a problem with it, that nothing has been abused at the pavilions that he knows of. Councilwoman Yonchuk questioned how the insurance would work, and it would apply to beer even if we don't decide to allow wine. She questioned if someone that drinks beer or wine to excess and has an accident, or there is damage to property, if they are liable because they rented the pavilion, or could the Town potentially be held liable. Mr. Blaise said the Town is the owner of the premises so we are always going to get brought into it. He said it doesn't matter whether there is alcohol served there or not, if we are renting it out or permitting someone to have any function there, even little league and a ball hits someone, we could get blamed for any number of reasons someone might cite. He said any time alcohol is involved there is a heightened risk but that doesn't necessarily mean the Board shouldn't do it. Councilwoman Yonchuk said we can't police everything so she questioned how this affects enforcement. She said if someone violates this, whether it is beer or wine, we will only know it and enforce it by chance. Mr. Blaise said the only alternative would be to have someone there monitoring what is going on. Councilman Grubham said he is fine with allowing wine. Since this involves amending a Local Law a public hearing will be required. Resolution to schedule for future meeting.

14. Transfer of Funds.

(12/26/17)

Resolution.

15. Discussion – Resolution authorizing the Commissioner of Public Works to expend funds from the Water Reserve Fund of the Town of Kirkwood, subject to Permissive Referendum, in accordance with the attached resolution. (ONB)

(12/26/17)

Mr. Blaise explained that the purchase of the transfer pump for the well will be coming out of the water reserve fund so a permissive referendum will be required. Resolution.

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**16. Audit of Claims.
(12/26/17)**

Councilman Grubham questioned if there is a monthly charge to monitor one of the trucks. John Finch responded that this is a GPS system on one of new F550 trucks to monitor where the guys are when they are out patching in the summertime. He said it notifies him when they get to and leave the plant and he can see where they are on his computer. It gives him an outline during the day of the where they have been. John added that this is through Verizon, and is under State contract pricing, \$18.52 per month. He said there is a unit under the dash that monitors the speed, braking, any codes that come up, location, etc. Councilman Diffendorf said John wasn't the Commissioner when this came up before, but his thought is when we were talking about putting them in all the vehicles there would be expense to put them in but no monthly fee, just a chip to take out and read. John said he is not familiar with a chip, that it would be the same type of thing, a GPS locating device in the truck that can be monitored through a computer. Councilman Diffendorf said it was brought up before by some of us because we had a concern that GPS's were needed but it was shot down. John said he does feel he needs this now. John said they paid \$80 for the unit and the monitoring fee in a monthly charge through Verizon. He said he logs into his computer to get the information, that it updates every few minutes. Councilwoman Yonchuk questioned if there would be an additional monitoring fee if we add vehicles in the future. John said it would be \$18.52 per additional vehicle plus the cost of the GPS.