

# **TOWN OF KIRKWOOD WORK SESSION**

**January 30, 2018**

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. Grant Program Representative. (GEK)**

Supervisor Kniffen explained that the Town Board recently talked about some capital projects we want to do, but it would cost money and we've never really gotten into grants. He said possibly we've been sitting on some major projects that we just thought the tax rate wouldn't take. He said we met with the City of Binghamton knowing that they've done a lot of improvements in the City while actually lowering their tax rate, that they went out to bid for an organization that could handle it for them. Supervisor Kniffen was put in contact with Mark Streb, of Strategic Development Specialists, who will make a presentation to the Board at this meeting. A copy of an agreement with SDS was provided to the Board members. Supervisor Kniffen said we talked about a one year agreement to start out with at \$3,000 a month. He said there was an unknown of miscellaneous expenses in the original contract, like travel, lobbyist licenses, etc. which we really didn't like so we asked them to come up with a not to exceed amount and they came up with a total amount of \$39,000 a year.

Mark Streb explained his firm is a grant writing economic development company which has been in business about 15 years. He said they assist local governments with writing grants for various state agencies, such as DEC, DOT, Department of State, etc. and help them identify what their priorities are. He said they contract with cities, towns and villages and currently they contract with the City of Binghamton and Broome County as well as others throughout the state. He noted that grant applications are very complicated, citing some specifics in that regard. Mr. Streb provided information about himself, including that he has been with this company for about a year, he has worked for the Governor, the Department of State, the State Senate and Assembly and Assistant Mayor for the City of Troy. He said he knows firsthand what local governments need and what state government can provide, noting that there are hundreds upon hundreds of grants out there. He explained that grants are competitive, that they score them and he explained that process. He said the municipalities that try to write them themselves just don't have the experience needed. It is very important for local governments to have a well written, concise grant.

Supervisor Kniffen said everyone should be aware that there are grant writers who write a grant and wait to find out if they win. This company not only writes the grants but they then lobby.

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He noted that it certainly helps that Mr. Streb and his colleagues have contacts and know their way around Albany, that this is an excellent element. In response to Councilman Weingartner, Mr. Streb said they also pursue federal grants and sometimes private ones as well. He said they chase money through whoever has it. He also responded that it will be their responsibility after working with the Town to identify priority projects and write the grant. When grants are found it would be up to the Town to decide which ones to pursue since the match amount ratios are different with every grant. The funding can be anywhere from 95/5 to 50/50, etc., so at that time the Town Board would have to decide if they can afford it. In regard to the advocacy part of all this, it is very important for these competitive rates, especially those with consolidated funding applications, because they give points on the applications before they are sent to Albany. He said it is very important that we sell them our project. The goal is to be highly recommended at 20 points. Mr. Drebb elaborated on this process for the Board.

Supervisor Kniffen said if we were to sign a contract we would have to come up with projects and currently we have a number of them; the town garage, 250,000 gallon water tank in Highland Heights, projects on Upper Court Street as well as others for which we would have to come up with the cost. Mr. Drebb said the Town will have to come with priorities, noting that some grants are due in March and others may not be due until July. During that time a brainstorming session would be needed to come up with narratives and what Kirkwood is willing to pay for. Other business could be handled over the phone or through emails.

In regard to how Kirkwood will pay for this, Supervisor Kniffen said we do have the money in unfunded balances. He noted that we are trying to get some of those down and this would be a good time to use some of that money. It would not affect the 2018 budget. Although we do have a number of projects in mind, Supervisor Kniffen said we are always open to ideas.

In response to Councilman Diffendorf as to how long it takes to get a grant, Mr. Drebb said it depends on each grant, that 90% of the time it's within a year. Mr. Drebb also responded that they would want to follow through on the entire grant process, not just write the grant since those have less success.

Councilwoman Yonchuk stated there are a number of things that we've done or looked at doing through inter-municipal agreements with Conklin, Windsor and Binghamton at times. She questioned if there was a project that involved two municipalities and our municipality had a contract with Mr. Drebb's company but the other municipality did not, if Mr. Drebb could write a grant on behalf of the two partners. Mr. Drebb said that they would, that it would be up to Kirkwood to determine what the other municipality would contribute.

In regard to smaller grants, such as for youth programs, Councilwoman Yonchuk questioned in the case of multiple grant opportunities if Mr. Drebb can apply for them. Mr. Drebb said that his company can do that although he did note that every project has different rules and regulations. It was noted that if there were 2 opportunities, they could win both of them.

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In regard to his company's success rate, Mr. Drebb said they return about \$12 for every dollar spent for their services. He said for the CFAs (Consolidated Funding Applications) last year they returned \$6.2 million for their clients and noted that the City of Binghamton got \$1.6 million for one project alone. He said it averages about a \$12 to \$15 return. For CFAs they were successful in 12 out of 14 applications.

Although positive comments were made by Board members about this proposal, they indicated they would like to consider this further before making a definite decision. Supervisor Kniffen said a meeting will be held next Tuesday at which time it will be voted on. Mr. Drebb invited questions by phone or through their website.

## **2. Discussion – Water Supply Sanitary Survey – 2017. (GEK)**

Supervisor Kniffen explained that the Health Department did a study of our water process and they were pretty positive but there is an issue on Johnson Road. John Finch said an overflow pipe has a crack in the concrete on the inside and outside so when the weather breaks John Mastronardi will look at it. Supervisor Kniffen said they also gave us a heads up regarding the Highland Heights tank that we mentioned as a potential grant project. He said we need to look at that seriously.

In regard to this survey Councilman Grubham said it states that rehabilitation of the City Line Booster Pump Station has started but some planning and engineering work still needs to be completed and he thought that was done. John Finch said John Mastronardi found out the pumps were over-sized for the facility so we're going with different pumps. He said initially we thought 100 horsepower pumps were needed but we only need 75 horse. He has been in contact with a company to look at the smaller pump that also has an external motor instead of an internal motor so there won't be any issues with corrosion. He said we are trying to get it narrowed down to the size and price. Councilman Grubham said he assumed we were pretty much done with this and he is a little upset they are now just finding out that's not the case. He said we should have been kept informed about it. John said the delay was with the engineers.

## **3. Discussion – Sewer Update. (GEK)**

Supervisor Kniffen said construction has been going on for a long time at the facility in Vestal and in the newspaper article recently it said with all these capital projects the cost will be between \$280 million to \$350 million, which certainly caught our attention. We knew things were going on down there and we would have to participate in the capital improvements but we had no idea the scope and cost of it. As a result of that we and some of the other users of the facility were invited and attended a meeting in the City of Binghamton Mayor's Office to discuss it. We were told that the cost is neither one of those figures, that it's \$262 million and of the \$262 million, \$100 million has already been in our rate, leaving \$162 million. He said this causes concerns about Frito Lay with 450 employees, and they are the reason we are such a big user of the facility because of all the water they use. They pay a higher water bill and a higher sewer bill. Supervisor Kniffen said we also worry about our residents. He noted that in the late 1990's when the Bell School area was added they were talking about sewer rent for the

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average household being about \$120 a year and now it's well over that at over \$300 a year. He said we met with Jim Smith our Budget Officer to try to project what this will cost our residents and are in the process of formulating that and we will put the best idea that we have in the newsletter so everyone will get a copy of it. He said he realizes that their numbers aren't perfect and a lot of things can happen but at this point we have information that allows us to go forth and try to make some estimates of what it's going to cost and also how this will affect Frito Lay since we certainly don't want to lose those jobs. He said there's not any threat that Frito Lay is leaving town but certainly that has to be a concern of theirs because on top of the regular rate they get a surcharge. He said more information is yet to come in this regard. Councilwoman Yonchuk suggested that when Jim Smith is ready with a final projection in this regard that he attend a meeting to explain it since he's good at making it very clear.

## **4. Discussion – Court Consolidation. (GEK)**

Supervisor Kniffen said this is another thing that comes in regard to shared services to save money as well as consolidation, when two things are joined together. He said our court in Kirkwood is a premier court, that out of 1,500 courts in the state our court ranks about 50<sup>th</sup>. In looking at towns contingent with us; Windsor, Colesville and Conklin, we picked Conklin to look at in regard to the possibility of consolidation. He said in his mind the Conklin court would close and bring all court business to Kirkwood. He noted that we did not proceed without talking to our judges and they thought they could do something like that. But the way NYS law works is there are two ways this can be done, 106A and 106B. With 106A, we have two justices and Conklin has one so we would have to get rid of one of our justices and then the Conklin and Kirkwood justices would intermingle cases. He said that wouldn't work because of our volume we need two justices here. He said 106B is similar and again it wouldn't really work. He said we were frustrated and actually talked to one of the Governor's representatives and questioned why we can't get by these laws since the Governor wants shared services and consolidation. He said this is pretty simple so why can't there be a law allowing us to do this. Supervisor Kniffen said Conklin was willing to go along with it as well. He said this is a very discouraging because we keep hearing shared service, consolidation and tax cap and when we try to do it they make it so hard. So this will not be happening.

## **5. Discussion – Advertising for open positions. (GEK)**

Supervisor Kniffen explained that we advertise for all open positions but one of the problems lately is we are not getting the results we would like and not getting applications for interviews. He said one of the reasons is a lot of people don't take the Press anymore because it's so expensive and we're getting old news. He said for a 3-day ad in the Press it costs \$522, and these are very small ads. He noted that Conklin is having the same problem. We will still advertise in The Country Courier, Katie Legg will put it on Kirkwood Happenings and it's put on our website. Councilman Weingartner suggested we add a special tab on our website for employment opportunities, something that is always there. The tab would be there at all times even when there are no jobs available. It was noted this could be included on our signboard when it becomes available. Councilman Grubham noted that possibly there is a way to advertise through the County or State. Councilwoman Yonchuk said there surely are other

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places to advertise where people would be looking for jobs, and most likely not at the expense of the Press. We will continue to have legal ads published in the Press which cost considerably less at \$25 to \$30.

### **6. Discussion – Oakley & Ritter. (GEK)**

In regard to Ritter's property across the tracks on Route 11, Supervisor Kniffen said that everyone traveling in that area sees that every day and people are always asking why we don't do something about the looks of that place. He said through the years there have been code violations and then Mr. Ritter stops us for trespassing and threatens lawsuits. He said we didn't go after him like we should have and one of the things is he is his own lawyer and he's pretty good at it. He said as time has gone on the Board has been determined to do more. In regard to what is wrong, Supervisor Kniffen said the green house is full of code violations. He said there have been years in the past when they have gone up the stairs and hit the second deck and fall through the floor and we did get that fixed. There are other issues like that. In regard to the white house, it will never be a house again, if they try to raise it, it will fall apart. Then there is the issue with the ugly trailers. He said in the summer we don't see them because of the trees and leaves camouflage them but they are showing now and we have been after him for that through our local court. He said the local court can't make him remove those trailers but they can make him empty them and he was cited for that. He promised to not only empty them but remove them but in the end he built two other storage units and the trailers are still there. We took him to court here and he was fined \$21,000. Now he has appealed this to County Court and has to the end of March to submit that. If that goes against him he has the right to appeal that which will take us into the fall. Supervisor Kniffen said we are not going to let this go because Mr. Ritter has to pay for this. We have been holding back on the code violations with the green house because we have been concentrating on the trailers but that hasn't worked so we are going after him on the code violations along with trying to remove the trailers. This is to let everyone know this Town Board is not going to sit back and let him get away with this anymore. In addition to the fact that it looks so bad there is a concern with the people that live there, such as if the kids are warm in the winter.

In regard to the Oakley property on Route 11 just past the storage mall, the building that was used to be an ice cream store years ago, Supervisor Kniffen said there have been code violations for years. They clean up temporarily and then a month later it's right back with the same issues. Recently the Code Officer went inside and there was actually water on the floor. DSS became involved and the family was removed. Supervisor Kniffen said the conditions were unbelievable and the building has been posted as uninhabitable. Mr. Blaise explained that Mr. Phelps, the man who used to own the property, is the mortgage holder on it and has actually started a foreclosure action to recover ownership. Mr. Blaise spoke with Mr. Phelps' attorney to find out how far they were into the foreclosure process and to let them know the status and condition of the property. He is waiting to hear back as to how the discussions are going between the Oakley's attorney and Mr. Phelps' attorney in regard to turning the property back over to Mr. Phelps. Mr. Blaise let them know that whoever ends up owning it they need to talk with us because of the condition that it's in, that it's legally boarded up and no one can

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occupy it. Supervisor Kniffen said that if it works out that everyone wants to walk away from it and it becomes the County's property, then as with the Kasmarcik property, we could get them to turn it over to the Town, and he has already talked to the Land Bank and they said to let them know if it comes to that. Mr. Blaise added that the taxes are paid on the property so it's nowhere near tax foreclosure. His understanding is that the mortgage holder has been paying the taxes to make sure it didn't go to tax foreclosure. It was noted that there is a light on in the building and Mr. Blaise said although it is uninhabitable they can go in to get possessions.

## **7. Discussion – Medicare Recipients Reimbursement Pool. (MRRP) (GEK)**

Supervisor Kniffen explained that we have several pools set up in our Benefits Plan related to health care and one of those is the Medicare Recipients Reimbursement Pool. When an employee of the Town of Kirkwood qualifies for health insurance into retirement, when they reach 65 they no longer are covered by health insurance so they go into a Medicare pool which right now is \$2,400 and that allows them to pay for Medicare or any related medical expense. If they have a spouse that is not an employee of the Town they also are covered at \$2,400. If an employee and their spouse are in the pool and the employee passes away the spouse is no longer covered with the \$2,400. He said from time to time we look at the plan and take actions to save the Town money but the Benefits Committee looked at this and the thought is why wouldn't we cover the spouse after the employee passes away. The Benefits Committee consists of Supervisor Kniffen, John Finch, Councilwoman Yonchuk and Mary Kay Sullivan, and after meeting on this the Committee decided to take it to the Board. Although this doesn't happen often, Supervisor Kniffen said unfortunately it was brought to mind recently when Bucky Merritt recently passed away so his wife will lose the \$2,400. Since she was a former employee Councilman Diffendorf questioned if she was covered on her own. Supervisor Kniffen said she was not covered by insurance as a town employee. Various scenarios of former employees and their qualifications for coverage was discussed, including if an employee has insurance through other employment they are encouraged to opt out of Town insurance coverage by putting them in the reimbursement pool with \$3,600 to spend on medical expenses and then when they retire they are eligible for the \$2,400 pool.

Councilman Weingartner says he favors keeping a spouse in the \$2,400 reimbursement pool. Councilwoman Yonchuk said she favors it as well but did note that it was not unanimous with the Committee; two members were for this, one was not and one did not commit either way. It was noted that Grace Lombardini is the only other spouse currently in this situation. Councilman Diffendorf did note that quite some time ago they were approached by Pat Martin asking to retain coverage after her husband passed, but the Board denied that request. He added that at that time we did not have this policy but we all were covered by insurance. Additional discussion at the 2/6/18 Board Meeting. Resolution.

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**8. Discussion – Volunteer Firefighters/Ambulance Workers Exemption.  
(ONB)**

In regard to the volunteer firefighters tax exemption that was recently passed, Mr. Blaise said Scott Snyder, the Town's Assessor, requested a form for people to use to apply if they are eligible. Mr. Blaise said a form was found on line through the State Dept. of Taxation & Finance that seems to suit our needs but he noticed a discrepancy with our Local Law. On the State's form there is an option to get the exemption if you are certified and enrolled for at least five years, or certified with 20 years of active service and their third option is for an unmarried spouse after the death of a firefighter. He said he could not find anywhere in the State Law, Section 466-D of the Real Property Tax Law, that allows them to do that even though it is on the State's form. Mr. Blaise questioned, assuming he can determine how the State can offer this exemption to a widow or widower of a firefighter who had the exemption, if the Board would want to offer that as an exemption. He also noted that our Local Law needs to be amended anyway because it says a firefighter can qualify for the exemption after one year of service and the State law says it has to be five years. Supervisor Kniffen said firefighters have always made the point that they sacrifice their life, time, training but at the same time families sacrifice as well. When the firefighter leaves for a fire the family hopes they will come back alright. He said he is in favor of this. If Mr. Blaise finds some basis for allowing an unmarried spouse to get the exemption, the Board members said they want the Local Law to be amended to include that provision. Although Councilwoman Yonchuk questioned if this would include situations when a volunteer firefighter has lived with a significant other and raised a family for years but he is not married, Mr. Blaise said the State form states spouse. In response to Marchie Diffendorf, Mr. Blaise said this is for general fund only. Mr. Blaise noted that the Assessor said he will take applications through April for the 2019 exemption if the Board acts on this. Resolution.

Supervisor Kniffen said at the quarterly meeting with the County Executive we brought this up and other towns were impressed with it and the County said they would consider it. After thinking about it, he said sometimes things like this get lost so he has asked for permission to address the County Legislature as a whole to see if they will entertain doing this as well. He also wrote a letter to the Superintendent of Windsor schools asking for consideration of this. With the Town passing this it is a benefit but a small benefit because we levy the smallest tax. He said if we could get them to do something at a higher level it would be more meaningful. Since there are 4 school districts in Kirkwood Supervisor Kniffen will contact the other districts as well.

**9. Resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Five Mile Point Fire Company, with the understanding that the members so approved will be assigned for which they have been qualified, in accordance with the attached roster.**

Resolution.

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10. Resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to Section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue license for the following mobile home – trailer park, such license is for the year 2018:  
Southern Tier Communities, LLC, 1794 US Route 11, Kirkwood, NY  
Resolution.

11. Discussion – Call in help for Public Works Department – MEO Heavy.  
(JAF)

John Finch asked the Board to consider hiring an employee for the Highway Department as an MEO Heavy as an as needed position. He said we don't use another person too often but as was the case last year they had to call in Billy Martin during the snowstorm to help plow, it was an emergency type thing and is frowned upon. He would like to have something in place to have a person on the payroll to call only as needed. He would like this person to be Joe Barton who is unemployed during the winter and is agreeable to this. John said his understanding is that we can't put anyone on for 90-days, that according to Broome County they have to be on the payroll and once they're on the payroll they would be cleared to drive and if anything should happen they would be covered with PERMA. He said that's the only way we can have someone in there as a backup, adding this would not involve insurance or benefits and last year they paid Billy Martin \$25 an hour and he is suggesting paying Joe \$30 an hour. If something happened on the job, if there was an accident, he would be covered since he would be on the payroll. Mr. Blaise said if we do this we should make it is clear through PERMA that he is covered for comp and liability. John said he has already checked with PERMA and he would be covered. Councilwoman Yonchuk questioned if we can do this on an as needed basis under civil service law. She also noted that she wants it in writing that he would be covered for comp and liability. Councilman Weingartner said if they are on the payroll they will be covered under PERMA. Mr. Blaise added there will be an additional charge from PERMA if another employee is added and that is a way to determine that the employee is covered. Mr. Blaise said we could check with the County to see if there are any civil service implications but he doesn't think there are. Councilwoman Yonchuk questioned who the highest paid hourly employee is. John said that would be Tim Finch and with benefits it's more than \$30 an hour. Councilwoman Yonchuk said she has a hard time paying someone we would be calling in more than regular employees and if she was one of the other employees she would be furious. It was noted there would be additional costs such as FICA in addition to PERMA. Councilman Grubham said he thinks \$30 is high but when they paid Billy Martin \$25 he didn't hear that anyone was upset about that, although that was only one day and this might not happen at all. Councilwoman Yonchuk questioned what the Union would have to say about this. John said he will check on that but last year there were no issues with Bill. Councilman Weingartner noted that the vehicles are insured. He also noted there is no need to follow up with Pat Ragen since this was discussed with him before. Questions that need to be addressed before the meeting next week are if there are any Union issues and how much to pay him.

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**12. Discussion – Fiberglass insulation under Post Office. (JAF)**

Last month John Finch presented the Board prices for spray foam insulation installed in the garage under the Post Office and he now has two quotes for fiberglass insulation. To install the insulation and furring strips two foot on center to keep the insulation in place, which includes replacing about half of the insulation that is falling down, the lowest quote is from Dave Nolan at \$4,318. He noted that the quote for the spray foam was \$6,100. The other quote is \$4,900. Councilman Grubham said he has been in the garage twice and both times the thermostat was set at 70 degrees. John said they do turn it up when they are over there and he will get a digital thermometer. Resolution.

**13. Discussion – 3-wheeled field groomer. (JAF)**

John Finch said the groomer that we currently have at Veterans River Park is very old and needs to be replaced. He received a quote from MTE to replace it with a trade-in of \$6,200. He said there are two quotes from the same company. The top quote is with the Massachusetts state contract which gives us an additional 20% off of \$4,476, which brings it down to \$11,770 and what we budgeted for in this year's budget. If we were to go with the second quote the cost would be \$16,184. He said he checked with other suppliers in the state and he received no other responses. Resolution.

**14. Discussion – Clear well pump. (JAF)**

John Finch explained that this involves the purchase of a spare pump. The cost would be \$21,750 to rebuild the one we have or \$34,000 for a new pump. The original pump was put in back in the early 1980s. Councilman Grubham said although it's nice to have a spare the other pump lasted a long time which it should if installed correctly. He said he is not in favor of spending almost \$22,000 for something to just sit there. John said the lead time is about 12 weeks if they have to get a new one. He said we didn't have to wait this time because we had the replacement, which is pumping well. John said he knows it's a lot of money to spend but he doesn't like to take chances when it comes to our water supply and he would recommend doing this. Councilman Grubham said if we have a well go out we can turn our pump station on for extra water. Since the original pump lasted over 30 years Supervisor Kniffen suggested looking at this in about 15 years, adding that he thinks we should spend it at some point but not now. Councilwoman Yonchuk said we should realize that in 15 years both of those numbers will be significantly higher. Councilman Diffendorf said that in 15 years the whole system might be outdated. Councilman Grubham said he does not think it is a good investment and Councilman Diffendorf agreed, adding that we are supposed to have a back-up system so we're not in danger.

**15. Discussion – Well 3 check valve. (JAF)**

John Finch said this is in the budget and is just past the system pump as it exits the building. The one there currently in place is leaking. He said we budgeted \$8,200 and received two quotes for the valve and installation of \$6,750 and \$6,820, with W2O submitting the low quote.

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Although John received a lower quote he explained why he feels that one would not be a good option. He noted this is the original check valve from the 1980s. Resolution.

**16. Discussion – Heaters for the garage bays. (JAF)**

John Finch explained that last year we replaced four heaters and two more have gone bad since then. He said the low quote from Bodek to replace them is \$5,825 (heaters and installation) and this is for the same units as we have in there now. John said they do pay prevailing wage rates. Resolution.

**17. Discussion – Heater for the work shop. (JAF)**

John Finch said the heater in the work shop where our lift is located is very old and has holes in the heat exchanger. He said it cycles on and off constantly and wastes a lot fuel. He said both companies said eventually we are going to have a problem with carbon monoxide because the heat exchangers have so many holes in them, and both recommended we take them out of service as soon as possible. Bodek again had the lowest quote at \$3,927. John said this was not budgeted for and the money will come out of general fund. Resolution.

**18. Discussion – Cleaning Service. (JAF)**

John Finch reported that Carra Jones retired on Monday, January 29<sup>th</sup> after 27 years. John said he's received three quotes from cleaning services that all have good references. He feels hiring an outside company to come in and do everything is the best way to go. He said the low quote is from Brooms over Broome at \$12,480 a year. This company works for the Binghamton Police Department, a financial company and an attorney's office. John said the budget line that we have been paying Carra out of is \$12,519. He said they will clean the town hall, code office and highway garage office on Sunday and Wednesday evenings. They will receive a pass code and a master key. The most thorough cleaning will be on Sundays including removing cobwebs, dusting, disinfecting desks and cabinets, vacuuming, bathrooms, etc. Although he doubts there will be an issue, John said he would like it put in the contract if we don't like their service we can back out of it in a couple of months. Since they plan to start on Sunday, February 4<sup>th</sup>, a resolution to ratify will be needed.

**19. Resolution ratifying a resolution authorizing the Supervisor to sign the Engagement Letter with Johnson, Lauder & Savidge, LLP, dated January 2, 2017 and Supplemental Engagement Letter with Johnson, Lauder & Savidge, LLP dated November 2, 2017, in accordance with the attached letters. (GEK)**

Supervisor Kniffen explained that Jim Smith is our Budget Officer and he is also an employee of Johnson, Lauder & Savidge and we contract with them for all the audits and things we have to do which is a bigger number and then we pay Jim, and we've been doing this for a long time. He said for 2017 he signed the agreement but he didn't have it put on for a resolution for the

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Board to authorize it. This is to ratify that and the next item is to authorize signing for 2018. Resolution.

20. Resolution authorizing the Supervisor to sign the Engagement Letter with Johnson, Lauder & Savidge, LLP, dated January 3, 2018, in accordance with the attached letter.

Resolution.

21. Discussion – Request from Chad Moran and Jim Kavalesky to attend required New York State Building Code In-Service Training.

Resolution.

22. Discussion – Vernon Drive Sewer. (ONB)

In regard to extending the water line up Vernon Drive and how it would be paid for, Mr. Blaise explained that the Board's recollection was that when the Route 11 extension was done it was paid for by the entire water district and not the residents. He said his research showed that is how it was done in 1995 and that was the way the law was set up at that time but that law sunsetted in the early 2000's and has now changed. The Comptroller's opinion says under the new law, as of 2003, we can't do it that way. If someone is going to join the district, the people who are joining have to pay for all the costs of putting the service in. In addition, at the Board's option, the people can actually be assessed a buy-in cost, which has not come up. Mr. Blaise said the people can either pay up front for the cost or the Town can bond for it and they would pay it back for however many years it is bonded for as a line on their tax bill. John will talk to the people about this. Although \$2,300 was originally mentioned as the cost, it is more likely that cost will be double that or more since it didn't include labor and machinery, etc. Mr. Blaise explained there's a whole process involved to accomplish this thru the Comptroller's office and putting together a plan which will take months. We have to come up with a cost for the average homeowner in the district. Although this is a relatively small project it will be easier but it's still a long process. Councilman Grubham said he just does not want to mislead them about the cost.

23. Audit of Claims.

Resolution.

- 23A. Newsletter.

Supervisor Kniffen said that we are in the process of putting together another newsletter which will be coming out in a month or two and each department has been asked to contribute something for it. He said information about Upper Court Street will be included and explained that we had talked to BMTS (Binghamton Metropolitan Traffic Study), that we are a member of, and we thought they were going to do something with Upper Court Street such as sidewalks,

## **TOWN OF KIRKWOOD WORK SESSION**

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curbs, lighting, etc. It turned out it wasn't that, but it came up in the Comprehensive Plan so they were following up on that and were just looking at it and giving ideas on what could happen on Upper Court Street, but they don't have any money to do that. Everyone will be getting a post card in the mail asking people to access their website for information as to what they are thinking about and whether people or for it or against it. Supervisor Kniffen said he just wants to make sure people don't think something is going to happen, that this is just a study.

### **23B. Assessor.**

Supervisor Kniffen stated that he is very pleased with our Assessor, Scott Snyder. He said he is very knowledgeable and works well with Mr. Blaise. He explained that for many years since we have had public water and sewer, we impose on the railroad right-of-way and pay \$1,000 every year. Then suddenly this last year the bill was for \$4,000. He asked the Assessor to look at it and after a battle with the railroad Scott got it back down to \$1,000.

### **23C. Upper Court Street Water Issue.**

John Finch said he had Alan Glover check the meter from January 2<sup>nd</sup> until now, reading the meter every three to four days, and the meter read between 34 cubic feet and 38 cubic feet every reading. He said the meter is working perfectly with no fluctuation at all. He reminded everyone that their usage from August 14<sup>th</sup> through December 12<sup>th</sup> was 43,324 cubic feet. He said mostly likely this was due to a toilet running or hot water tank leak. This is a two-family apartment and no one lives downstairs. It was noted there was an unrelated problem with this property years ago.

### **24. Executive Session.**

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