

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**March 6, 2018**

A regular meeting of the Kirkwood Town Board was held on March 6, 2018 at 6:00 PM at the Joseph A. Griffin Town Hall with Deputy Supervisor Linda Yonchuk presiding.

Present: Deputy Supervisor Linda Yonchuk  
Councilman Robert Weingartner  
Councilman Lewis Grubham  
Councilman William Diffendorf, Jr.

Absent: Supervisor Gordon Kniffen

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

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

February 6, 2018 Town Board Meeting  
February 27, 2018 Public Hearing  
February 27, 2018 Special Town Board Meeting

**PUBLIC PARTICIPATION:** None.

**COMMUNICATIONS:**

Resignation letter from James Nieves.

**COMMITTEE REPORTS:**

**Workplace Violence Prevention Policy Class.**

Councilman Diffendorf reported that all Kirkwood employees, including elected officials, will be required to attend a workplace violence prevention policy class on Friday, April 27<sup>th</sup> at a time to be determined. This is a requirement of New York State and should be about an hour class and will be presented by PERMA. Councilman Diffendorf will check to see if Planning Board and Zoning Board of Appeals members are required to take the class. John Finch added that it includes part-time employees as well.

**Pump Station – City Line.**

Councilman Grubham questioned if the pump station is in operation yet. John Finch said that John Mastronardi is still working on getting pressures and the size of the pump still needs to be determined. He said we need to get an exact fit and are working with the company to get the right pump in there. He also noted they have to do a flow test. John stated that there was some issues regarding the engineers but it should be worked out soon.

**Snow Plowing – Fire Stations.**

Councilman Grubham questioned if the Town is plowing the lots for both fire companies. John Finch responded that we are doing the two Five Mile Point stations and Kirkwood is doing their own. Councilman Grubham said we agreed to take them on to save them money and questioned if we will have to refund money to them since they kept their budget less than it would have been if they were going to plow. John said it's working out well and he has not heard that they are asking for more money. John did note that Five Mile Point plowed their own lots this last storm because we didn't have the time to do it. Councilman Grubham suggested that this should be discussed for the future. Councilman Diffendorf said he has always felt that the fire companies should have their own deal because the Town's highway department has the roads to take care of. Marchie Diffendorf noted that both companies bought new plows. John said he told the Five Mile Point Fire Company that we would plow their lots after we plow the roads.

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**OTHER:**

**State of the County Address.**

Broome County Executive Jason Garnar explained that the County Executive is required to give a State of the County Address before March 1<sup>st</sup> every year, which he does, but he or a member of his staff also like to address each municipality with a short presentation. This year he gave the State of the County Address at Animal Adventure Park in Harpursville which was started by Jordan Patch whose business was flooded in Conklin in 2011. He followed his dream and started a zoo which hosted over 200,000 people last year, largely in part because of April the giraffe, and this put Broome County on the map. Executive Garnar said he feels that AAP personifies what Broome County is, that we come back stronger than ever before.

In focusing on County finances, Executive Garnar said that since the State Comptroller listed the County as fiscally stressed for the last three years the County asked for an audit. The audit was recently released which basically said the County's fund balance is what put them in a precarious position. The fund balance in March 2017 was about \$250,000 on a \$370 million budget, which is almost next to nothing. That is a concern for a number of reasons such as another storm similar to Stella last March which cost the County \$300,000. Another concern is bond rating. When a bond agency sees such a low fund balance they typically issue negative reports or downgrade your rating which will increase taxes because the bonds will be more expensive. Executive Garnar said his plan is to change some of the budgeting practices of the past which have resulted in going from a \$10 million fund balance to \$250,000. He stated that in their first budget they worked away from those budgeting practices and were very conservative in what they thought their expenditures and revenues were going to be. He reminded everyone that last year they instituted a hiring freeze and unfunded almost 60 positions in the budget this year, kept the property tax under the 2% tax cap and also returned all the sales tax money back to the municipalities. He said he thinks when they close their books for 2017 there will be a substantial increase in the fund balance, although it will be nowhere what they need it to be. Executive Garnar referenced the fact that the City of Binghamton has a fund balance of about \$20 million with a budget of about \$80 million to \$90 million. He feels the fund balance is going to grow because they put in some good practices last year and were able to achieve some cost savings but it will be a multi-year process to get back to a healthy financial condition.

In regard to jobs, Executive Garnar said there have been a lot of great job announcements, including Dick's Sporting Goods with 500 jobs and the battery factory that's coming to Endicott with another 250 jobs and the potential of up to 500 or 1,000 jobs as they expand. He said they got an Austin, Texas jet company to come to the Greater Binghamton Airport bringing in about 20 jobs and 7 jets to the airport. Executive Garnar said at any given time there are about 3,000 open jobs in Broome County and the question is how to get people to come to Broome County to fill those jobs and how to get people trained for those jobs. He noted a lot of the jobs are in health care, education and engineering. He added that over the next five years one of the most important issues is going to be how to fill those jobs in Broome County since he has heard businesses say if they can't hire people they will have to close their business.

Executive Garnar said he feels they are doing a good job with the heroin epidemic, that he worked in a great bi-partisan way to land a major treatment center here which brought in 50 well-paying jobs to the community and it will provide treatment services that don't exist here right now. The facility is scheduled to open in April and Executive Garnar said he was glad to work with Assemblyman Crouch and Senator Akshar on that initiative. Executive Garnar stated there were no heroin overdoses over the last month as compared to last year when there were 11. He added that they have made a major dent in crime in Broome County, noting that in 2017 the County's crime rate decreased by 16% and he feels that's largely the result of making investments in the District Attorney's Office and the Sheriff's Office.

Executive Garnar said it was a definite positive that through the Land Bank they were able to demolish a building on Upper Court Street that was in major disrepair. He said they are dedicated to fighting blight in all of Broome County citing some specific projects.

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Executive Garnar explained that for the first time ever there is a Rural Grant Program in Broome County. \$150,000 has been allocated to rural areas, including Kirkwood, as grants that will be available to municipalities, non-profit organizations and businesses in rural areas to encourage development. They are currently working on an application in this regard and will make it available to all municipalities as soon as it is finalized. He added that he expects this to be a yearly thing.

**Questions For County Executive Garnar:**

In response to Councilman Grubham, Executive Garnar confirmed that there will be a total of \$150,000 for grants and it will be competitive. Although it is not a requirement, he said they are really looking for people to leverage that. As an example, he said if a municipality has \$10,000 towards a project, the grant could match that. He added this is basically for any community development, not just for businesses.

Councilman Grubham questioned what is considered a healthy fund balance. Executive Garnar responded that for municipalities there is no recommended healthy fund balance. He said when the County had a fund balance of \$10 million on a \$370 million budget there were no concerns about the bond rating, floods, storms or being able to pay their bills, but he is not going to raise taxes just to build up a fund balance and structures have already been put into place in the budget so that revenues will not be over-estimated. He added there are a number of budget lines that kept getting underfunded and when revenues are over-estimated the money has to be pulled from somewhere at the end of the year. Over the past few years that money was pulled from the fund balance. He noted that in 2016 after the election the legislature restored the full funding back to the municipalities, which he was in favor of, but they took it from the fund balance instead of structuring it into the budget. Since he wants the restoration to stay there at 50/50, they had to find \$1.5 million and structure it into the budget, which they did. He said he would feel good with having a fund balance of between \$5 million and \$10 million. Councilman Grubham questioned if the State didn't recommend that counties have a fund balance of about \$36 million and if so how can Broome County ever get to that. Executive Garnar said they never will get to that amount, that \$5 million to \$10 million is the goal. He did note that 2017 was a good sales tax year with an increase of 3 ½%, but they are being conservative and only projecting a 2% increase in the budget this year and then if they get more they can add a little to the fund balance.

Deputy Supervisor Yonchuk questioned if the bulk of the jobs that were referenced for some of the smaller businesses coming in would be for Broome County residents or if the companies would be bringing their work force with them. Executive Garnar said he thinks the bulk of the jobs will be for Broome County residents. He noted that Dick's was actually concerned about being able to hire people from Broome County and other warehouse facilities were concerned that some of the people that worked there would go over to Dick's, but his understanding is that didn't happen. He said basically they filled the jobs from Broome County residents with some of the specific positions being filled with people from out of the area and he thinks that's a good mix. He added that his main focus is to get jobs for people in our area first.

In regard to the 3,000 job openings in Broome County, Deputy Supervisor Yonchuk questioned if these jobs are not being applied for or if there are not people qualified for those jobs. Executive Garnar said there are a number of reasons, but it basically depends on the field. He cited the fact that at Willow Point Nursing Home they have a very hard time hiring CNAs and nurses, which could be for any number of reasons. He said the pay rate for CNAs may be a factor and the increase in the minimum wage rate may have something to do with that. He noted that he's also been told there are not enough engineers in the area to fill openings. Executive Garnar said they are trying to get college graduates to stay here or come here and fill those jobs.

In regard to a concern of Councilman Diffendorf about the poor condition of County roads during snow events, Executive Garnar responded that he has heard this concern from other people as well. Although he said they make no excuse for it, that it has to get better, he said they are stretched a little thin and have 325 miles of road to do and not the most

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money to do it as fast as they could. He said the County’s Highway Superintendent, Sue Brown, said one of the problems is the cold packed snow issue. She is looking into getting a device that can dig up the snow that is cold packed on the roads. Executive Garner also noted that in the past the County had agreements with municipalities where the municipalities were paid to plow some of the County roads but for some reason that’s not the case now and when the County took back more of their roads their budget was not increased. He noted that’s a difficult thing because they can’t go over the 2% property tax cap. He added that the County has an aging fleet as well. He reiterated that they are not making excuses and need to do a better job.

Councilman Diffendorf questioned how much it costs Broome County for the drug treatment center. Executive Garnar said that is funded by the State. He explained that Senator Akshar worked to increase opioid funding in the State budget and \$3 million has been secured for treatment center funding only. He explained that it’s up to the County Executive to select an organization to fulfill the grant and pass the money on to the local organization. Executive Garnar said this will always be funded by the State, that the County has no money to fund it.

As an added note about his State of the County Address for the future, Executive Garnar said what he enjoys most is being out in the community talking to people. He said every year he wants to go to different areas of the County for the Address.

Sandy Wasson questioned if there will be incentives to bring new businesses in to the area. Executive Garnar said that Dick’s Sporting Goods got an incentive package from New York State, there was no incentive for the jet company, the treatment center is state funded and the battery factory was a State funded project as well. Sandy noted a concern regarding whether these companies will stay here. Executive Garnar said that is a concern when a company gets incentives and the hope is that they will, but there are not guarantees.

Executive Garnar informed everyone that his office is open every Tuesday from 10AM to noon, and invited calls regarding any issues.

**Donation from the Kirkwood Town Fair Committee to the Town of Kirkwood.**

Sandy Wasson, Dan Wasson, John Finch, Jessica Kinney and Marchie Diffendorf, members of the Kirkwood Town Fair Committee were in attendance. Sandy Wasson reported that the Fair Committee is presenting the Town with \$4,000 to be used for security cameras and landscaping at Veterans River Park. Councilman Diffendorf noted that the Committee did a great job, especially considering the weather this past year.

**OLD BUSINESS:**

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 2-2018 entitled “Providing a Partial Exemption from Taxation by the Town to Volunteer Firefighters and Volunteer Ambulance Service Members”, in accordance with the attached Short EAF. Councilman Grubham seconded.

**Discussion:** Councilman Diffendorf brought up the fact that we don’t have an ambulance service. Mr. Blaise said if we did this would apply to them. Councilman Diffendorf questioned if a Kirkwood resident works on an ambulance if they are covered under this exemption. Mr. Blaise said this is only for volunteers. He said he will check to see if they have to provide the service in the town or working with someone that has a contract for the town. It was noted that Kirkwood does not have a contract with any ambulance service.

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

**MOTION CARRIED.**

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2018 entitled “Providing a Partial Exemption from Taxation by the Town to Volunteer Firefighters and Volunteer Ambulance Service Members”, in accordance with the attached resolution. Councilman Weingartner seconded.

58-18  
EAF  
Amend  
Volunteer  
Firefighter  
Tax Exempt.  
LL

59  
Adopt  
Amend  
Firefighter  
Tax Exempt  
LL

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**Discussion:** Deputy Supervisor Yonchuk questioned if a clarification needs to be made about volunteer ambulance service. Mr. Blaise explained that this local law is already in place, this is just an amendment to change the service requirement to five years instead of one year to conform with State law and to make surviving spouses eligible if the volunteer who passes away is a life member, so there is no need to hold this resolution for clarification.

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

MOTION CARRIED.

**Discussion:**

Deputy Supervisor Yonchuk said she has spoken with other council members about this, noting that she does not like the way the following resolution is worded. She said she feels there are a number of iffy phrases in this, that “Think Differently” means different things to different people. She said one of the phrases that concerns her is “differently abled”, that it’s an awkward sounding phrase. She said she definitely think we can write something better. Councilman Grubham said he tends to agree and is actually concerned with what “think differently” means. The following resolution is tabled for further review.

**Resolution** calling on the Town of Kirkwood, residents, and business owners to adopt the “Think Differently Initiative” to assist individuals with special needs and their families, in accordance with the attached resolution. Held.

60-18  
Think  
Differently  
Initiative  
**HELD**

Councilman Weingartner moved to adopt resolution requesting New York State Department of Transportation to reduce the speed limit on County Route 20 from Exit 1 to Route 7 in Conklin, from 55 MPH to 45 MPH. Councilman Diffendorf seconded.

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

61-18  
Request  
45 MPH  
Rt. 20

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the 5 year renewal for a mapping system for the utilities from 64 Seconds at a cost not to exceed \$5,490.

Councilman Grubham seconded.

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

62-18  
Mapping  
System  
5-yr Renewal

MOTION CARRIED.

Councilman Grubham moved to adopt 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:

Moore Mobile Home Park, 376 Johnson Road, Kirkwood, NY 13795

Owner: Josh Hunt

Councilman Weingartner seconded.

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

63-18  
Issue  
Moore Trailer  
Park License  
J. Hunt

MOTION CARRIED.

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64-18  
Merchant  
Agreement  
Credit Cards  
for W/S  
Payments

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to sign the Merchant Agreement with Vantiv, LLC and Government Payment Services, Inc., to permit the Town to receive payments for water and sewer bills by credit cards, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

65-18  
Modify  
Robbins  
Electronic  
Sign Bid

Councilman Diffendorf moved to adopt resolution authorizing the modification of the previously accepted bid of Robbins Signs to install an electronic sign board for the Town by increasing said bid by \$384.20, which reflects the payment of prevailing wages for the project's installation costs, and that said modification is deemed to be nonmaterial to said bid and accepted by the Town. Councilman Grubham seconded.

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

MOTION CARRIED.

**NEW BUSINESS:**

66-18  
Municipal  
Clean Up  
May 2017

Councilman Grubham moved to adopt resolution designating May 14, 2018 – May 17, 2018 for Municipal Clean Up in the Town of Kirkwood, in accordance with the attached resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

**Discussion:**

**Permanent FT & Temporary (90 Days) FT positions in Highway Department.**

John Finch reported that he will be placing ads for the part time positions in the Highway Department for the April, May and June position and the July, August and September position as well as for the full time position in the Highway Department due to the resignation of Jim Nieves. The ads will be in The Country Courier on March 14<sup>th</sup> and the 21<sup>st</sup>, on Kirkwood Happenings Facebook Page, the signboard and the Town's website. John said he will have Mary Kay look into whether there is some way of advertising through Broome County. Councilman Grubham said his understanding is there is something through the State for advertising at no cost.

**AUDIT AND PAYMENT OF CLAIMS:**

67-18  
Audit/Pay

Councilman Diffendorf 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 2, 2018, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Grubham seconded.

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

MOTION CARRIED.

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**OTHER:**

**Pedestrian Crosswalk Notification.**

In referencing a notification everyone received about a pedestrian crosswalk that is planned for the intersection of Upper Court Street and Colesville Road, Councilman Diffendorf said this will include a push button to cross the road, noting that he never sees anyone cross the road there and this is the State spending money and it's a huge waste.

Councilman Grubham noted this will be a case of tractor trailers knocking down the posts since there's hundreds a day that go through there.

Councilman Grubham 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 Weingartner seconded.

68-18  
Exec. Sess.  
Litigation

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

MOTION CARRIED.

**ADJOURNMENT:**

Councilman Weingartner moved to adopt resolution to adjourn the meeting. Councilman Diffendorf seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 7:34 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk