

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**December 4, 2018**

A regular meeting of the Kirkwood Town Board was held on December 4, 2018 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

Present: Supervisor Gordon Kniffen  
Councilman Robert Weingartner  
Councilman Lewis Grubham  
Councilwoman Linda Yonchuk

Absent: 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

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

November 5, 2018 Town Board Meeting  
(2) November 27, 2018 Public Hearings

**PUBLIC PARTICIPATION:**

Larry Holt said although he does not come to meetings very often something needs to be done about the echo in this room because it is hard to hear. Councilman Grubham responded that he is working on that issue.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

Supervisor Kniffen reported that since the owners of Lechners were put on notice to remedy some code violations and they failed to do so, we are taking them to court which is scheduled for next Tuesday.

**OTHER:**

**Broome County Public Safety Radio System.**

Michael Ponticiello, Director of Broome County Office of Emergency Services, provided a brief overview of the Public Safety Radio System stating this has been a decade in the making and we are coming to the final phases. The Public Safety Radio System countywide is managed by the Office of Emergency Services and we're currently working on 12 different systems across the County with some of them dating back to the 1970s. We are the primary dispatch center for 55 different agencies across the County. These systems are all legacy systems from when 911 was first born. All the 911 services got consolidated under the County and we took over these radio systems but they were never consolidated. That means we've got major radio coverage gaps from different components and different places across the County and they are unable to talk to each other. There are three different call bands which means that the ability for one unit like police, firefighters, EMS units or DPW to talk to another one for mutual-aid is virtually impossible. It does not meet any current public safety standards. In 2012 a comprehensive study was done to address how to improve the system, but it had a \$45 million price tag so it went back to be restudied. This has been restudied three different times at the County level and we have put a significant amount of money into it since then. The replacement system will cover police, fire, EMS and DPWs across the County. It is something that will take us through at least the next 20 years from a radio perspective. The County has completed all the licensing and engineering. We are in the process of building tower sites across the County with about eight of them being completed and eight more to go. All the agencies will be able to talk with each other individually and with the County, and to effectively manage the response to all of the needs of the residents. One of the key components to that is we, as the County, are going to provide all of the initial radios that are needed so there will be

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no local expenditures of dollars. At this point we put about \$10 million into the upgrades over the last three years and we also continue to spend money to band-aid the old system to keep it alive. The remaining cost for the rest of this project is \$23 million; \$7.5 million for physical infrastructure that the County is going to bond for and \$15.4 million for system infrastructure and subscriber equipment. That is the equipment that will come from the vendor that will be on the tower sites and also the equipment going out to police, fire, EMS and DPWs. The \$15.4 million is going to be leased and the County will pay a lease payment on it so we're looking at a debt service of about \$2.86 million a year. The way we intend to cover this debt service is to increase the 911 surcharges that currently exist on all land lines and wireless phones for a defined period of ten years and this is dedicated funding that has to be used for 911 services and for the debt service for this project. As a county we're about ten years behind the counties around us. This is absolutely critical from a police, fire, EMS and DPW response perspective across the County.

In regard to timing, Mr. Ponticiello added we're looking at a home rule resolution on the County Legislature agenda in February. It will then go to the State and be part of the State's budget package in April. Mr. Ponticiello provided some financial information as well as a map of the County showing the tower site locations.

In response to Mr. Blaise, Mr. Ponticiello said if everything goes according to plan the system will be up and running in about three years.

Supervisor Kniffen said that at a past meeting Mr. Ponticiello said the difference in the current system and this system could be like comparing rotary phones versus cell phones. Mr. Ponticiello said it is night and day, that currently everyone is working on old analog technology. Supervisor Kniffen questioned how the cost comes back to the municipalities. Mr. Ponticiello said there should be no local dollar expenditures. The only way that could have happened was through police, fire, and EMS agencies coming back to the municipalities for funding. That's why as part of this initiative we're going to provide all of the radios up front so they have the ability to function as a unit.

Councilman Weingartner questioned if the tax for the big increases has to be voted on by the Legislature. Mr. Ponticiello said that's a home rule resolution that will be on the Legislature's February agenda. If it passes it will then go to Albany for another vote.

Councilman Grubham questioned if we have to maintain the equipment that goes to our fire companies and DPW and if that would be a cost to us. Mr. Ponticiello responded that you're already maintaining the existing equipment so it would be almost a one for one swap. You'll have all the new equipment and a warranty period that comes with it. At this point we haven't gotten ten years down the road to say that the County is going to replace everything again.

Supervisor Kniffen questioned how the 911 surcharge will work. Mr. Ponticiello said currently there is a 30 cent fee on land line phones and 35 cents on wireless, and those are to come back to 911 systems across the State. He said the State keeps 68 percent for the general fund and we never see it for the 911 systems. However, all the increases do come back to the systems. The land line fee would go up to \$1.39 and the wireless fee would go up to \$1.62. For the average person with a cell phone it would be about \$15.00 a year.

Supervisor Kniffen said the cost of this originally was \$45 million and now its \$23 million and questioned if anything was lost in the system. Mr. Ponticiello said no and noted there is a \$6 million grant from the State and the County has put in about \$4 million or \$5 million. The remaining counties in New York all have completed their systems so we are able to tag on to some of the centralized computer corridors in the Cortland and Onondaga counties so that's a \$1.5 million savings.

Mr. Finch said right now on our radios we share a frequency with Conklin and he questioned how that will change with the new system. Mr. Ponticiello said that everything is no longer a frequency basis, it's all talk groups done by computers behind the scenes. It will be decided on at the time it is up and running who you will hear.

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Supervisor Kniffen added that Mr. Ponticiello and his crew set up during the flood at the command site at the Five Mile Point Fire Station and they did an excellent job and we thank them for that.

**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the 2019 Budget for Sewer and Water Districts. Councilman Grubham seconded.

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

186-18  
Adopt W&S  
Budget

MOTION CARRIED.

Councilman Grubham moved to adopt resolution, after a Public Hearing, authorizing Supervisor to execute Fire Protection Contracts for 2019. Councilman Weingartner seconded.

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

187-18  
2019 Fire  
Protection  
Contracts

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution cancelling the January 1, 2019 Organizational Town Board Meeting due to the New Year's Day holiday and rescheduling for January 2, 2019. Councilwoman Yonchuk seconded.

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

188-18  
Reschedule  
January 2019  
Meeting

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution adopting the Town of Kirkwood Sexual Harassment Policy, in accordance with the attached policy. Councilman Grubham seconded.

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

189-18  
Adopt Sexual  
Harassment  
Policy

MOTION CARRIED.

Councilman Grubham moved to adopt resolution scheduling a Public Hearing for December 26, 2018 at 6:00 PM on the 2019 Sewer Rents. Councilman Weingartner seconded.

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

190-18  
Sched PH  
Amend Sewer  
Rents Local  
Law

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution approving a fund transfer from General Fund to Fire District Fund in the amount of \$10,265.21 to cover deficit due to Broome County. Councilwoman Yonchuk seconded.

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

191-18  
Fund Transfer  
GF to Fire for  
Deficit due Br  
County

MOTION CARRIED.

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192-18  
Transfer  
Funds

Councilwoman Yonchuk moved to adopt resolution authorizing the Transfer of Funds, in accordance with the attached Budget Adjustment Sheet. Councilman Grubham seconded.

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

MOTION CARRIED.

193-18  
Purchase  
Sewage Pump

Councilman Grubham moved to adopt resolution ratifying a resolution authorizing the purchase and installation of a HOMA Submersible Sewage Pump from Pump Service and Supply of Troy, Inc., at a cost not to exceed \$8567, which includes a guide rail adapter, in accordance with the attached quote. Councilman Weingartner seconded.

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

MOTION CARRIED.

194-18  
Purchase  
Excavator

Councilman Weingartner moved to adopt resolution authorizing the purchase of a Case CX57C Excavator from Monroe Tractor, at a cost not to exceed \$ 60,115.93.

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

195-18  
Purchase  
Truck for  
Code Dept

Councilwoman Yonchuk moved to adopt resolution authorizing the purchase of a 2014 Nissan Frontier from Allstar Auto at a cost of \$14,800 to be used by the Code Department and the Dog Control Officer. Councilman Grubham seconded.

**Discussion:** Councilman Grubham said we'll be selling the Code truck so the cost of the new purchase will be offset by whatever we get.

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

MOTION CARRIED.

**NEW BUSINESS:**

**Discussion – Griffiths Engineering to investigate Felchar Manufacturing's special meter for their "chiller" at an approximate cost of \$360.00.**

Supervisor Kniffen explained that Felchar put in a meter for the new chiller and Mr. Smith is concerned about how much lower their usage is. He said Mr. Smith is requesting that John Mastronardi take a look at it to see what numbers we come up with. Councilman Grubham said they have a water meter and questioned if they have a sewer meter. Mr. Finch said they have a meter that goes up to the chiller and one that comes down from the chiller, they don't have a sewer meter. It was noted that this is actually a cooling tower. Councilman Grubham said you can lose 25,000 to 30,000 gallons a day from evaporation so this number could very well be right. You can't compare it to Triple Cities because they don't have cooling towers, they just have what they lose off their operation which is 12 percent. Councilman Grubham said he thinks they can lose this kind of water easily, he does not question that at all because it evaporates fast on those towers, although he is not against spending \$360 to prove it. He asked why we are questioning what their meters are reading. Mr. Finch said Mr. Smith was just concerned based on the amount of drop in revenue so he wants us to check to make sure that that certain cooling tower is capable of that much evaporation as well as to check the calculations to be sure it's correct.

Councilman Grubham questioned why we have meters on them if we don't believe our meters. Mr. Finch said we're pretty sure they are accurate but Mr. Smith is recommending this to be safe, that this is the biggest user and it's a big decrease.

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Councilwoman Yonchuk moved to adopt resolution authorizing Griffiths Engineering to investigate Felchar Manufacturing’s special meter for the chiller at an approximate cost of \$360.00. Councilman Weingartner seconded.

196-18  
Griffiths Eng  
Investigate  
Felchar  
Special Water  
Meter

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

MOTION CARRIED.

**Discussion: Highway Department Truck Purchase.**

Mr. Finch said we have a few vehicles in the Highway Department that need some work and we are trying to come up with a good resolution. There is an old 1988 Chevy service truck that needs engine work but has a good utility box and he would like to take the utility box off. The box on the parks truck is rotted and needs to be replaced so he would like to put the utility box from the service truck on the parks truck and make it our new utility truck. We have an old Army truck which is our patch truck that was in the flood and we can’t get it to run right so we are going to sell that on the auction site. We have a 2010 Silverado which is my Deputy’s truck, which would then go the Parks Department since we would be taking the parks truck as our new utility truck. We would then need a new truck for my Deputy, which is the 2012 Ford F350 before you that we found at the same dealership as the Nissan Frontier today; it’s white and in good shape. My Deputy, who is a mechanic, drove it, looked it over and said it seems pretty solid. We would be buying one truck but we’d be selling three trucks, the old utility truck, patch truck and dog truck. We would take the money out of highway equipment and whatever money we get from the sales of those trucks would offset the \$16,200 cost of this truck. Mr. Finch said he estimates getting \$3,000 to \$4,000 for the trucks that are going on the auction site.

Councilwoman Yonchuk moved to adopt resolution authorizing the purchase of a 2012 Ford F350 from Allstar Auto at a cost of \$16,200 to be used by the Highway Department.

197-18  
Purchase  
Truck for  
Highway  
Dept

Councilman Grubham seconded.

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

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 licenses for the following mobile home – trailer parks, such licenses are for the year 2019:

198-18  
Issue Mobile  
Home Park  
Licenses

Quilty Hill Mobile Home Park, 49 Quilty Hill Road, Kirkwood, NY 13795

Owner: Charles C. Tai

Kirkwood Mobile Home Court, LLC, 41 Loughlin Road, Binghamton, NY 13904

Owner: James and Charles Williamson

Councilman Weingartner seconded.

**Discussion:** Councilman Weingartner said it’s nice to see these license requests the year before they are actually due.

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

MOTION CARRIED.

**Discussion – Rate increase for 2019 from Griffiths Engineering.**

Supervisor Kniffen said he received a request from Dan Griffiths, owner of Griffiths Engineering, to increase their hourly rate from the current \$90 to \$105, plus other rate changes depending on what the work involved is. Mr. Griffiths told him they raised their rates in Conklin several years ago but not Kirkwood, but with increased costs it’s necessary to ask for the Board’s consideration of the increase. Supervisor Kniffen noted that in the past when the rates changed the Board adopted a new agreement and he questioned why we would not just amend the original agreement. Mr. Blaise said you can

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199-18  
Rate Increase  
Griffiths Eng

do it either way, there is no requirement for a new agreement when the rate changes. He said you can just authorize the new rate and all the terms of the original agreement. Councilman Weingartner moved to adopt resolution authorizing a rate increase for 2019 for engineering services provided by Griffiths Engineering in accordance with the attached rate proposal sheet and all other terms of the Town related with Griffiths remaining the same as the previously executed service contract. Councilman Grubham seconded.

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

MOTION CARRIED.

200-18  
Approve  
Work Day  
G. Diffendorf  
K. Diffendorf  
NYS  
Retirement

Councilman Grubham moved to adopt resolution approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for Gayle Diffendorf and Kelley Diffendorf, in accordance with the attached resolution. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

**OTHER:**

Mr. Finch said that Alan Glover provided information that at the Corporate Drive station where we're installing that new pump, there are two check valves on each pump and the one check valve on the pump that was bad is sticking and we're not sure if that's what caused the pump possibly to over heat and go bad. He explained what they've tried and said there is definitely a failure in the check valve. He said we got a price from W2O to replace both check valves at a cost of \$10,965. Although we could try to get them done separately, to do that we'd end up paying more in the long run because they would be there and could do both at the same time where if they come back there would be a separate charge. There are also four gaskets that are leaking at the main sewer station and the cost to replace them is \$3,280. So we're looking at a cost of around \$14,000 to \$15,000. He said according to Mr. Smith there's enough money to re-class into the 2019 Sewer 1 equipment budget line from originally proposed lines for "Transfer to Reserve Funds" (\$35,000) and/or "Contingency" (\$5,900). It won't happen until next year so it won't be coming out of this year's budget. Installation is included in the cost for the check valves. Councilman Grubham questioned if there is anyone else that can do this work that we could check with for pricing, such as Evans Mechanical, since we're pretty much locked into the same people all the time and none of this is cheap. Mr. Finch said he doesn't know if they do sewer work and sometimes people just don't have the time or manpower and these guys respond every time we call them and are pretty reliable. When we've checked prices in the past for other things they've always been lower. To comply with the Town's procurement policy, he will check with a couple of other places for a quote. He noted that the pump is on order and should be here later this month but we can't put it in until we get these parts. There will be another meeting on December 26<sup>th</sup> to address this.

**AUDIT AND PAYMENT OF CLAIMS:**

201-18  
Audit/Pay

Councilman Grubham 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 Weingartner seconded.

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

MOTION CARRIED.

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**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 6:46 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk