

**TOWN OF KIRKWOOD
TOWN BOARD MEETING
April 7, 2015**

A regular meeting of the Kirkwood Town Board was held on April 7, 2015 at 6:00 PM at the Joseph A. Griffin Town hall with Supervisor Gordon Kniffen presiding.

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

Absent: Councilman Robert Weingartner

Also Present: Herbert Kline, Town Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, DPW Commissioner
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

March 3, 2015 Town Board Meeting
March 31, 2015 Special Town Board Meeting
March 31, 2015 Public Hearing

PUBLIC PARTICIPATION:

COMMUNICATIONS:

COMMITTEE REPORTS:

Councilwoman Yonchuk verified that the Five Mile Point and Kirkwood fire companies will be hosting an open house and recruitment day on Saturday, April 25th and Sunday, April 26th. This is a statewide program.

Councilman Diffendorf announced that under PERMA requirements, a refresher class will be held on how to operate AEDs.

Councilman Diffendorf reported about 25 non-working lights were submitted to NYSEG and of those about 5 are still not on. He said this is a big improvement and noted that surprisingly not many people call to complain about lights that are out. Mr. Blaise added that the Town of Dickinson is going through the same process with getting lights that are out replaced. NYSEG has been asked for an inventory listing of the lights located in Dickinson but that list is not readily available.

Mr. Blaise reported on the code situation with the trailer parks. He said two cases are underway and the third case has been delayed by the non-appearance of the defendant. After the second non-appearance the judge issued a bench warrant and the defendant was brought in by the state troopers for an initial appearance, so that case is now underway as well.

Councilman Grubham referenced an item of information he saw where the NYS Comptroller audited a number of towns and they were cited for not having a road maintenance program set up for a period of years and also they did not have enough money to do what they should be doing. He questioned if Kirkwood has ever had that. Ray Coolbaugh said they do a road inventory every January and send it to the County and State for CHIPS funding. Councilman Grubham said that doesn't sound like what he was referring to. His understanding is that these towns did not have a program set up for what they were going to do or how they were going to pay for it. He feels this should be looked into in consideration of the eventuality of an audit in Kirkwood. Supervisor Kniffen will be attending a quarterly meeting with the County Executive later this month and he will bring this up.

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Supervisor Kniffen recently spoke with the Town of Windsor Supervisor who noted to him that they have about 200 acres in West Windsor (near McDonalds) they would like to develop for which they have their own sewer facility but they have no water. They are asking if Kirkwood would sell water to them. According to John Finch there is certainly enough water but they would have to get it there. Supervisor Kniffen asked Councilman Diffendorf to meet with John Finch to look into this. He said Kirkwood would like to help them out but it would be quite an investment for Windsor to have Kirkwood to run the line.

Supervisor Kniffen reported about a concern regarding Rogers Mountain Way. To get there the ingress/egress is all one way; it's Phelps Street in Port Dick. Of the 25 homes involved, a couple are located in Kirkwood with the rest in the Town of Dickinson. Dickinson is thinking of extending the road so there would be another outlet at an expense of about \$160,000 to \$170,000. They are asking if Kirkwood would be interested in contributing. He said there are two railroad crossings and the trains have stopped and delayed so long that people have crawled underneath the trains to get to their homes, which is a concern. Dickinson will be sending information to Supervisor Kniffen in this regard. Councilwoman Yonchuk said she feels this is something they should be dealing with the railroad with as well. Mr. Blaise, as attorney for Dickinson, said they have been unsuccessful to date since there is a whole separate law that deals and controls the railroads. They negotiated with the landowner between Phelps and Moeller who is going to donate that strip of land and Dickinson is going to connect those two roads so there will be another ingress/egress point in the neighborhood. There is a real concern in regard to emergency vehicle access. He would think that the area to connect is less than half a mile. There could be a variety of reasons why the trains are stopping there. Councilman Diffendorf said he still feels the railroad is the way to go, noting that Kirkwood had the same issue and somehow it was solved. He has a concern with contributing money.

Councilwoman Yonchuk referred to an article in the Saturday edition of the Press about how Binghamton and Johnson City are coming after the Joint Sewage Treatment Plant for up to \$14 million that has been accumulating supposedly for infrastructure repair. According to the article they are claiming this is more money than is needed for the repairs and requesting the money back. \$4 million is their first request. If that is the case she questioned if the outside users, of which Kirkwood is one, are impacted as well. Supervisor Kniffen said all the users would benefit from anything that might be distributed. In recent discussions, Supervisor Kniffen said a concern was noted that if they give the money back and decide to go out and bond again for repairs, they will once again ask the users to contribute in what is paid to process waste, possibly as much as 25%. It is hard to understand because they have had many capital projects going on. He will keep looking into it and keep the Board posted.

OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution appointing Lew Grubham, Marchie Diffendorf, Duane Travis, Herb Kline, Roy Tondeur, and Mike Maciak to the Town of Kirkwood Comprehensive Plan Committee. Councilman Diffendorf seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to enter into a five (5) year lease with US Postal Service, in accordance with the attached lease agreement. Councilman Grubham seconded.

Discussion: Councilman Grubham noted a concern with the condition of the post office building. He is questioning if the Town could get a longer lease from the post office, possibly 10 or 12 years, and a separate building could be built so they can afford to pay for it. He is concerned that one day they will get hit with a major bill over there. He feels this could not be considered if the post office does not agree to the longer lease. By doing so he feels they could make this work and still retain some money for the Town and also there would then be no maintenance needed in the future. He said they have about 1,000 square feet now and a building that size would cost about \$65,000 to \$70,000. Supervisor Kniffen noted that a reserve fund would have to be established with the rent money set aside for this purpose. He said we are

45-15
Appoint
Comp Plan
Committee

46-15
Post
Office
Lease
HELD

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lucky the post office is still here but he doesn't see them being here forever since they continue to close small post offices. Councilman Grubham said that is why this could not be considered unless there was an extended lease to eventually pay for it. Councilman Diffendorf said he is not in favor of building a new post office. He said the Town happened to get into the rental business but he doesn't think a government agency should be. He would much rather see a developer in the area put a building up and rent to the post office. Councilman Grubham said he would be fine with that as well, he is just concerned with the condition of the current post office building. Councilman Diffendorf noted a concern that the post office can walk away from the lease no matter how long it is. He read from the proposed lease that the US Postal Service can terminate the lease at any time by giving 30 days written notice to the landlord. Since that is language in the proposed lease and further review and discussion raised additional concerns, this resolution will be held for discussion at the next meeting.

HELD.

Councilman Grubham moved to adopt resolution authorizing the repair of one HOMA explosion proof electric submersible pump for the main sewer station pump at a cost of \$2,939.37, in accordance with the attached quote from Pump Service and Supply of Troy, Inc. Councilwoman Yonchuk seconded.

47-15
Repair
Sewer
Pump

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing John Finch, Jr. to attend the New York Rural Water Association's 36th Annual Technical Conference & Exhibits 2015 to be held Monday, May 18, 2015 – Thursday, May 21, 2015 at the Turning Stone Resort & Conference Center in Verona, NY at a cost of \$866.86, which includes hotel, conference, and meals, with all reasonable expenses (mileage and tolls) paid. Councilman Diffendorf seconded.

48-15
J. Finch Jr
Attend
Conf.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Ray Coolbaugh to attend the Association of Towns of the State of New York and Cornell Local Roads Program 70th Annual School for Highway Superintendents to be held June 1, 2015 – June 3, 2015 at Ithaca College, Ithaca, NY at a cost of \$110.00 for the registration fee. Councilman Grubham seconded.

49-15
R.
Coolbaugh
Attend
Conf.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing Ray Coolbaugh to attend Powers and Duties of Local Highway Officials sponsored by Cornell Local Roads Program to be held May 19, 2015 at Broome County Cooperative Extension at a cost of \$50.00. Councilwoman Yonchuk seconded.

50-15
R
Coolbaugh
Attend Conf

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

MOTION CARRIED.

Discussion – Parks Maintenance Cost. (RJC)

Ray Coolbaugh stated he is requesting the Board look at increasing the park permit fee from \$25 to \$35, \$45, or \$50. In addition to the information he supplied at the last meeting, he provided additional information with rates from other towns. He did note that the Town Clerk has already

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issued some permits for this year so any consideration of an increase should be effective as of January 1, 2016. Discussion held for the next meeting.

AUDIT AND PAYMENT OF CLAIMS:

51-15
Audit/Pay

Councilwoman Yonchuk 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 6, 2015, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Diffendorf seconded.

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

MOTION CARRIED.

NEW BUSINESS:

52-15
Exec
Sess

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph f of the Public Officers Law to discuss a matter relating to the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Councilman Grubham seconded.

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

MOTION CARRIED.

ADJOURNMENT:

Following the Executive Session, Councilwoman Yonchuk moved to adopt resolution to adjourn the meeting. Councilman Diffendorf seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 7:15 PM.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk