

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 2, 2018

An organizational meeting of the Kirkwood Town Board was held on January 2, 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
Councilman William Diffendorf, Jr.
Councilwoman Linda Yonchuk

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

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

December 26, 2017 Special Town Board Meeting
December 26, 2017 Public Hearing

PUBLIC PARTICIPATION: None.

COMMUNICATIONS:

Letters of Re-Appointment for Clerks to Justices Full Time and Clerk Part Time, and Town Historian.

COMMITTEE REPORTS:

Supervisor Kniffen reported that at the quarterly meeting held last week by the County Executive with supervisors and mayors, he advised them that Kirkwood had passed a Local Law giving volunteer firefighters a break on their town taxes and suggested that the County do the same. This resulted in quite a discussion with the result being that the County is going to look into it. He said his intention is to send a letter to the Superintendent of the Windsor School District to see if they would like to consider something in this regard as well.

OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to enter into an agreement with Roger Studer d/b/a Studer's Body Shop & Garage, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

1-18
Towing
Agreement -
Studer

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to enter into an agreement with Southern Tier Zoological Society, Inc., in accordance with the attached agreement. Councilman Grubham seconded.

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

2-18
Zoo
Agreement

MOTION CARRIED.

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3-18
Sched PH
Amend Parks
Use LL

Councilman Grubham moved to adopt resolution scheduling a Public Hearing on January 30, 2018 at 6:00 PM regarding revision to the Parks Local Law to allow wine to be served in town parks. Councilman Weingartner seconded.

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

MOTION CARRIED.

NEW BUSINESS:

4-18
Appoint Press
Official Paper
Courier
Supplemental

Councilman Weingartner moved to adopt resolution appointing the Press & Sun-Bulletin as the official newspaper for 2018 and designating The Country Courier, pursuant to Town Law Section 64 (11), as a supplemental newspaper for publication of all legal notices of the Town for 2018, and requiring the applicant on a zoning matter or an environmental matter to pay the cost of such publication in the official newspaper of the Town, and the Town to pay the cost of such publication in the supplemental newspaper. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

5-18
M&T
Depository
Town Funds

Councilwoman Yonchuk moved to adopt resolution naming M & T Bank as the depository for town funds for the Supervisor for 2018. Councilman Diffendorf seconded.

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

MOTION CARRIED.

6-18
Appoint
Supervisor
Service
Officer

Councilman Diffendorf moved to adopt resolution appointing the Supervisor as Service Officer for 2018. Councilman Grubham seconded.

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

MOTION CARRIED.

7-18
Supervisor
Invest Funds

Councilman Grubham moved to adopt resolution authorizing the Supervisor to invest general funds, special district funds and highway moneys not obligated or required for immediate expenditure in United States treasury bills, savings accounts, time deposit or time certificates of deposit through Charter One, Manufacturers & Traders Trust Company, Tioga State Bank, Chemung Canal Trust Company, NBT Bank, Wilber National Bank and First Niagara Bank; said investments to be payable or redeemable at the option of the Supervisor within such times as the proceeds may be needed to meet expenditures for which the moneys were provided, all pursuant to the provisions of the Investment Policy for the Town of Kirkwood adopted July 3, 1993. Councilman Weingartner seconded.

Discussion: Since Councilman Grubham said there is no longer a Wilber National Bank because they were bought out, it will be removed from the resolution.

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

MOTION CARRIED.

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Councilman Weingartner moved to adopt resolution establishing reimbursement of expenditures incurred in 2018 as follows:

Mileage reimbursement at current Federal Government rate for job related travel;
Attendance at job related meetings not to exceed \$20 per meeting (other than New York City);

8-18
Mileage &
Expense
Reimb

Attendance at job related meetings in New York City at \$88 per day for meals only.

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution designating the following Tuesdays of each month as Town Board meeting nights to be held at 6:00 PM at the Joseph A. Griffin Town Hall:

9-18
Mtg Nights
Designation

First Tuesday - Regular Town Board Meeting
Last Tuesday - Work Session

Councilman Diffendorf seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution requiring all itemized vouchers to be submitted to the Town Clerk's office before noon of the Friday prior to the last Tuesday of each month, and vouchers for reimbursement of medical and optical expenses to be submitted to the Town Clerk's office before noon of the Thursday prior to the last Tuesday of each month to qualify for audit and payment at the next regular Town Board meeting.

10-18
Voucher
Submittal

Councilman Grubham seconded.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution establishing hourly rates of pay for Public Works personnel for 2018, pursuant to Collective Bargaining Agreement with Teamsters 317 effective January 1, 2018 and with rate sheet from DPW Commissioner for all non-union employees of the DPW. Councilman Weingartner seconded.

Discussion: In response to Councilman Diffendorf, John Finch said the attachment noting Brian Kinney's hourly rate of \$16.31, which includes a cost of living raise, does not include the raises approved by the Board for his certifications. Those raises will be before the Board later on this agenda and reflect an additional \$1.00 per hour increase. He noted that the additional raises become effective tomorrow, based on the start date of Brian's employment of January 3, 2017. Supervisor Kniffen added the salary listed for Sue Glovich includes the second half of the raise the Board gave her.

11-18
DPW
Pay Rates

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

MOTION CARRIED.

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12-18
Independ.
Contractors
Pay Rates

Councilman Weingartner moved to adopt resolution establishing hourly rates of pay for independent contractors and Board of Assessment Review, in accordance with the attached resolution. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

13-18
Salaries
Elected &
Appointed
Officials

Councilwoman Yonchuk moved to adopt resolution establishing salaries for all elected and appointed officials and employees as set forth in the 2018 budget. Councilman Diffendorf seconded.

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

MOTION CARRIED.

14-18
Appoint
Various
Positions

Councilman Diffendorf moved to adopt resolution appointing the following persons to the designated positions for 2018, in accordance with the resolution. Councilman Grubham seconded.

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

MOTION CARRIED.

15-18
Annual
Report Due

Councilman Grubham moved to adopt resolution authorizing Supervisor to submit to the Town Clerk by March 31, 2018, a copy of his Annual Report to the State Comptroller and directing the Town Clerk to cause a notice to be published within ten (10) days after receipt of said report in the official newspaper and supplemental newspaper of the town that a copy of such report is on file and available for inspection in Town Clerk's office. Councilman Weingartner seconded.

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

MOTION CARRIED.

16-18
Prepay Utility
and Property
Tax Bills

Councilman Weingartner moved to adopt resolution authorizing the payment of utility bills, town real property tax bills and postage prior to audit pursuant to Town Law Section 118 (2). Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

17-18
Cash Manage
Procure,
Investment
Policies

Councilwoman Yonchuk moved to adopt resolution reaffirming and re-adopting resolutions establishing Cash Management Policies/Procedures adopted June 5, 1990 and the Procurement Policy adopted December 6, 1994 and revised December 3, 2013 and the Investment Policy adopted July 3, 1993. Councilman Diffendorf seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Councilman Diffendorf - yes

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Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the Commissioner of Public Works to purchase equipment and tools not to exceed a total of \$2,000.00 per year without prior Town Board approval, providing such purchases are consistent with a resolution adopting a Procurement Policy enacted December 6, 1994 by the Kirkwood Town Board and reviewed and reaffirmed herewith. Councilman Grubham seconded.

18-18
DPW
Equipment
Purchases

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution pursuant to section 123 of the Town Law engaging Budget Officer, James Smith, CPA, to make an annual audit of the books and records of each person who as a town officer or employee received or disbursed any moneys in calendar year 2017 and also each Town Justice for the year 2017 including the criminal and civil dockets to determine that the fines and fees shown thereon have been collected and were turned over to the proper officials as required by law, and to complete said audit by May 31, 2018. Councilman Weingartner seconded.

19-18
J. Smith
Budg. Officer
Audit Books

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution reappointing John Mastronardi of Griffiths Engineering as the Stormwater Management Officer for the year 2018. Councilwoman Yonchuk seconded.

20-18
Reappoint
Mastronardi
Stormwater
Management
Officer

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution appointing William Diffendorf as Safety Officer for the year 2018 at an annual salary of \$1500. Councilman Grubham seconded.

21-18
Appoint
William
Diffendorf
Safety Officer

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution reappointing Jason Griffin as Temporary Ad Hoc Member of the Zoning Board of Appeals, pursuant to Local Law No. 11-1986; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Board. Councilman Grubham seconded.

22-18
Reappoint
J. Griffin
ZBA Ad Hoc

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

MOTION CARRIED.

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23-18
B. Kinney
Rate Inc.
Water Plant
Operator

Councilman Grubham moved to adopt resolution increasing Brian Kinney's hourly rate \$.60 per hour for Water Treatment Plant Operator license and \$.40 per hour for Distribution license effective January 3, 2018, in accordance with the Policy Regarding Salary Increases for Advanced Training or Certification. Councilman Weingartner seconded.

Roll Call Vote:

Councilman Weingartner	- yes
Councilman Grubham	- yes
Councilwoman Yonchuk	- yes
Councilman Diffendorf	- yes
Supervisor Kniffen	- yes

MOTION CARRIED.

Water Bill.

John Finch explained there is a water bill issue at a location on Upper Court Street, the green house behind Trux Outfitters. He provided and reviewed a copy of a history sheet from 2010 to 2018, including readings on December 12th, 28th and January 2nd showing the water consumption on the meter. He said they replaced the meter with a new radio read meter head in 2013 where it was zeroed out and the usage has been pretty steady. It is a 2-family property and from August 14th to December 12th of 2017 they used approximately 43,324 cubic feet of water and, looking at this, their usage is typically around 2,500 cubic feet. That would be about 324,000 gallons they used in four months. John said that does seem extremely high and the people questioned whether the meter was bad so that's why he had Al read the meter three times in December. In the 16-day period from the 12th to the 28th they used another 4,000 cubic feet of water and then all of a sudden from December 28th to January 2nd they used 38 cubic feet of water. John said the downstairs of the house is not occupied but is used by someone on a regular basis. He said they are asking if we can do something with that bill. John explained that typically when a digital meter goes bad, which he has had quite a few go bad, the screen dies, they blank out and go to zero. He said he's never seen a meter jump 43,000 cubic feet in four months and then level off to a normal cycle after that. John said he thinks they had a toilet running in the basement for the entire four-month period before they found it. He noted that 99.9% of the time when people have a high water bill, toilets are the issue. He said the meter has not been changed out. In response to Councilman Weingartner, John said a toilet can leak that much water, especially if the flapper is open. He said the problem is the sewer rate is based on water usage and BJC will want to know what happened. John said he is quite sure the meter is not the problem and will have Al read it once or twice a week for the next month or so. Councilman Grubham suggested changing out the meter, but John said the meter in place only read 38 cubic feet for five days. Councilman Grubham said if we put a new meter on and it is still reading what it is now, nobody can ever say it's the meter. Councilman Diffendorf said the problem is, the toilet won't be running anymore and they will say it was the meter. John said the bills just went out today and their bill is about \$2,500 for water and sewer, with sewer being about \$1,900 of that. He said the charge for sewer is \$4.65 for every 100 cubic feet of water. He said that is why we can't just wipe this off the table, we would have to pay the sewer cost no matter what. John said we will do more readings and get back to the Board at the January 30th work session. He said the bill will be left as it is and due in February. Councilwoman Yonchuk clarified if we find that it is reading correctly they will have to pay the bill but if for some circumstance it is an incorrect reading, the bill could be adjusted later on.

Quotes for spray foam under the Post Office.

John Finch explained that we have a garage under the post office where we park four vehicles. He said the exterior roof was repaired a number of years ago but underneath the roof there is fiberglass insulation and part of it has been falling down for years. Although the ceiling is 18 feet high, the insulation hits the trucks. He said we have tried to staple it up but it keeps falling down. He is requesting that the ceiling be spray foamed to help with the cost of energy and also the fact that it is an eyesore. John received quotes from both a local company as well as a company in Ithaca, which both include prevailing wage rates. He said three inches of spray foam will give it an R-21 rating and should help to keep it warm since in some of the bays the heat is going up through the roof. He said the square footage of the building is about 1,200. Councilman Weingartner referenced that one quote says they have to use a fire resistant coating over the spray foam and the other one does

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not. John said according to Chad, that's not part of our Code. Councilman Grubham added that it's not necessary. Councilman Weingartner questioned if house wrap couldn't be used and tacked up to the joists. Councilman Grubham said that can be done and they also could put R-21 insulation in which runs about 60 cents a square foot with Styrofoam over the bottom to hold it up at about half the cost of the spray foam. He added that the problem he has with this building is that it's so old with cinderblock walls and he hesitates to pour money into it. He said the spray foam is a better product than regular insulation but you still get only an R-21 rating and six inches of fiberglass insulation gives you R-21 and Styrofoam will add to that for more insulation value. Due to the cold temperatures spray foam can't been done right now so Councilman Grubham said he would like to check into it. John said he will contact some contractors for a price to install fiberglass insulation. He added that we use part of the building on the other side of the post office for storage. Supervisor Kniffen said he thinks the life of the building is short and we would like to look at other options for the post office, such as the UMA building in Schneider's plaza. Incidental comments were made about the history and use of the old Town Hall/Post Office building over the years.

Local Contractor Concerns.

Supervisor Kniffen explained that he recently attended a meeting in the Town of Dickinson and a local monthly meeting of the Association of Towns where concerns about local contractors were discussed. He said Rusty Griffiths is promoting this and they are concerned about contractors that are not legitimate, that don't have a license and knock on peoples' doors offering to fix things. He said in some cases people pay in advance of the work and never see the contractor again and other times they do not do good work. He said they are looking at the County to head this up, requiring strict regulations that contractors have to be certified, be on an approved list as well as other requirements, to keep these illegitimate contractors away. Supervisor Kniffen said his feeling is this is meant for more populated areas like the City of Binghamton, Vestal and Endicott. He said in Kirkwood we have an excellent Code Enforcement Officer who is out every day and if he sees anything going on he checks for permits, etc. Supervisor Kniffen said some other small towns have said they don't think they need this either. He said it would be another bureaucracy with the County running it and there might be requirements that we don't have now and we feel we're doing a pretty good job. He added that even though there are situations we are not happy with, we are aware of what they are and know what kind of action we want to take. Supervisor Kniffen said they have offered to come to each town with a presentation and he will request that if the Board wants them to come.

Councilman Diffendorf and Councilwoman Yonchuk said they agree with Supervisor Kniffen. Councilman Grubham said Vestal has a program, which is not licensing, but anyone can work in Vestal but they have to pay a fee based on what they do and they have to supply Vestal will all their insurance certificates. He said he is not for licensing but if the County or a town is going to consider something, this is what they might want to consider. Supervisor Kniffen say maybe it is certification, not licensing, that they are considering as a requirement but they still would have to register with either the County or the town. Councilman Grubham said he could be convinced to do what Vestal does since it's not onerous to do it and then at least you know the people out there doing the work have the proper insurance which is very important to the homeowner, even though they don't always realize it, and to the people that are actually working. Supervisor Kniffen expressed a concern that people knocking on doors could still happen with what Vestal does, and Councilman Grubham agreed but said with our Code Enforcement Officer being out and around he would check and see that the contractor is not on the list and then see that he follows through on providing the insurance requirements and gets a building permit. He said this is what should happen whether they have to get a license or not. Councilwoman Yonchuk added that it's creating a much bigger bureaucracy because if the Code Officers are out doing their jobs then that is what should be happening anyway. She noted that the huge impetus of people being ripped off by contractors if probably where this is all coming from but unless the Code Officers are doing their jobs you will be right back where you started from. Councilman Grubham said the best thing about it is it insures that everyone has the proper insurance and that's very important. Councilman Diffendorf said anyone can give you insurance information and you have no way of knowing if it is good or not, that scammers make it very complicated. Supervisor Kniffen

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stated that when a contractor gets a building permit they have to show insurance. Councilman Grubham said they have to show workmans comp and disability insurance coverage but there are ways around that as well and the Code Officer has to follow up on all of that. Councilman Grubham said the hard part about this is if there is not the proper insurance coverage the people having the work done are the ones that will get sued if someone gets hurt.

Tailoring Agenda.

Noting that she asked this question in the past, Councilwoman Yonchuk questioned if there is a way to tailor this long agenda so we can have what is called a consent agenda, which means those items that happen at every Board meeting can be on the consent agenda and dealt with at once so resolutions aren't read over and over. She noted that the school board does this all the time. Councilman Weingartner said we can do it if we want to, but he thinks people want to be informed and hear everything. Mr. Beagel said it is definitely an option, that most towns have one big resolution each year to adopt the policies and annual resolutions at their Organization Meeting, adding that it is just a matter of preference. Councilman Diffendorf added that we have streamlined it from past years.

AUDIT AND PAYMENT OF CLAIMS:

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 this date, all in accordance with the abstract of claims on file in the Town Clerk's Office.

24-18
Audit/Pay

Councilman Diffendorf seconded.

Roll Call Vote:	Councilman Weingartner	- yes
	Councilman Grubham	- yes
	Councilwoman Yonchuk	- yes
	Councilman Diffendorf	- yes
	Supervisor Kniffen	- 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 6:54 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk