

**TOWN OF KIRKWOOD
WORK SESSION**

December 30, 2019

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

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

1. **Resolution reappointing Marchie Diffendorf to the Planning Board for a term to expire December 31, 2024.**

(12/30/19)

Resolution.

2. **Resolution reappointing Edward Egan to the Zoning Board of Appeals for a term to expire December 31, 2020.**

(12/30/19)

Resolution.

3. **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.**

(12/30/19)

Resolution.

4. **Resolution authorizing Supervisor to enter into an agreement with Southern Tier Zoological Society, Inc., in accordance with the attached agreement.**

(01/07/20)

Supervisor Kniffen explained under this agreement the Zoo supplies free passes for Kirkwood residents every year. Resolution.

5. **Transfer of Funds. (12/30/19)**

Councilman Diffendorf questioned a number of transfers of "Payment to County Treasurer". It was noted that part of this involved election costs, as well as a transfer to General Fund, but there was no definitive answer. Resolution.

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6. **Resolution authorizing the continuation of petty cash for 2020, subject to audit by the Budget Director, for the following departments at specified amounts, pursuant to Town Law Section 64, Paragraph 1(2): (12/30/19)**

Bookkeeper	\$100
Building & Code Inspector	\$100
DPW Commissioner	\$200 and \$35 for Water Department
Supervisor	\$200
Town Clerk	\$200
Town Justice	\$200
Town Justice	\$200

Resolution.

7. **Discussion – Revised TRI Contract.** (GEK) (12/30/19)

Mr. McKertich said this is a contract for recoupment of utility overpayments. The initial contract allowed them going forward to recoup half of the savings to the Town for 36 months and we reduced that to 18 months. They agreed to a 15 percent discount if we pay the savings in full. They also agreed to remove the provision that requires us to pay their legal fees if there is a dispute on bills. The contract had a requirement that it be governed by Florida law and that has been changed to New York law. There also was a provision that late fees would be incurred if we were more than 30 days late in our payments and they agreed to remove that. They removed the provision for confidentiality as well. This was everything I requested.

Resolution.

8. **Discussion – 9 Ft. Western Snowplow.** (JAF)

Mr. Finch said I would like to purchase a Western Pro Plus plow from the Town of Solon. They purchased the plow new in December of this year and never used it. The cost to buy it new from Trux Outfitters is \$4,400 and Solon is willing to sell theirs for \$3,500. We had another plow that we sold on the auction site for \$4,000 so we'll use that money to purchase this one and we'll be ahead \$500. Resolution.

9. **Discussion – Request to go out to bid on the Stair Project at the Main Sewer Station.** (JAF)

Mr. Finch said we budgeted enough money in the new year to cover the cost of the replacement of the stairs at the main sewer station, according to what the last bids came in at. We would like to go out to bid for the stairs again. John Mastronardi and I talked to the previous contractor and asked if they would honor their bid and we could forego the whole bid process. Mr. McKertich said since that was several months ago I think it's a better practice to re-bid it. Since Mr. Finch has not checked around for other companies to bid, Councilman Grubham said he will do that before we bid it.

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10. Discussion – Water Meters. (JAF)

Mr. Finch said we currently have Blue Tower radio read meters. Some are all Blue Tower and some are attached to Neptune meters, which we've had for at least 25 years. The Blue Tower meters retrofit on our Neptunes, that's why we went with them. Blue Tower has gone out of business so we have no company for support or to supply us with any meters from Blue Tower. We know that Neptune has their own line of meters and there are a couple of other brands as well. We've been looking at the cost and trying to decide which one is the best to go with. Some of our meters currently have issues and were supposed to be fixed but never were. We're leaning more towards the Neptune meters since we have them in the system and they have leak proof protection, and if they break we can replace them. With the meters from the other companies we'd have to replace the whole meter at a couple of hundred dollars per meter. With the Neptunes, if the bottom breaks out, we're looking at \$20, depending on what we have to replace. We do have issues since some of them freeze; about eight in the last year. Another issue with the other meters is they are one whole unit and we can't take the heads off for pool permits. The Neptune meters are reliable and have been around since 1892.

Supervisor Kniffen said the last time we talked about this we thought there was a quality problem and we were going to see if there was any kind of warranty, but they've gone out of business. Mr. Finch said the software company that got us into this business with Blue Tower is Bob Martin. He told us to wait before we send a letter to Blue Tower because there was going to be an announcement coming and since then they went out of business so we didn't have a chance to do anything. This involves about 900 residential meters and there are some industry meters that will have to be changed. It will be a total replacement. Alan Glover said if we go with Neptune we will be able to use our Neptune meter bodies and we have a few hundred of those. Mr. Finch said it will cost a little over \$200,000 over three years.

Councilman Diffendorf said the sad part is we just did this. Mr. Finch said it's been about ten years and that's about the life expectancy. Councilman Diffendorf said we replaced meters that had been in service for 35 years. We changed these meters because you guys had to have it so you could drive by and get the reading; that was the main reason. Then you said the meters weren't working properly. Mr. Finch said we're only responsible for one inch meters and lower. Councilman Diffendorf said we didn't even have to do that then but we did it and now we're talking about over \$100,000 and that's a hard pill to swallow. I always felt they should have been changed as needed, not just to change them. This has gotten us into quite a mess.

Supervisor Kniffen said, on the bright side, there's money in the water reserve fund to cover this. According to Mr. Finch, Mr. Smith said every year we put money in the reserve fund and for the next three years instead of putting that money in the reserve, we would use it to pay for the meters. Mr. Finch said this is what it would cost if we go with Neptune, it would be higher if we went with another company. We would be dealing with a sales company for Neptune meters from Syracuse. The price includes a new software package; it includes everything. Our current software provider is Bob Martin (since 1997) and he is only one man and if

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something were to happen to him we'd have no support; there is no backup. Neptune does everything.

Mr. Finch said since we're so familiar with the Neptune meters, we'd like to standardize on them. Councilman Grubham said then there would be no sense in going out to bid. Supervisor Kniffen said standardization came up in the past about other equipment and it was noted that the problem with that is there is no competition. Mr. Finch said we can still get prices from other Neptune suppliers. Typically you'd go with the one in your region but there are distributors all over the state. There are a lot of towns that have Neptune meters and we can check with them to make sure they're not price gouging or anything like that. Supervisor Kniffen said I would think if we're going to go with Neptune we should have some kind of written justification for doing this. Mr. McKertich said I would have to draft a resolution for the next meeting that would standardize this product.

Councilman Diffendorf said I look at this as a quarter of a million dollar fiasco because I was not in favor of changing the meters when we had meters that were working and now we're going to do this and change it. Mr. Finch said according to AWWA standards you're supposed to change them out every ten years or have them calibrated and we never had the ability to have that done. Councilman Diffendorf said I'd like to have information from a town in Broome County that's done that. Mr. Finch said that's why they're all going with new meters. There's now leak detection where you can read back when the leak started and stopped. People often times try to tell you something different. The technology is there and we need to utilize it.

- 11. Discussion – Resolution authorizing Katie Legg to attend the 2020 Training School for Newly Elected Town Officials on January 15-17, 2020 at the Albany Marriott at a cost of \$200 for the registration and meals and \$124 per night for two nights for the hotel, and all reasonable expenses paid.**

(12/30/19)

Supervisor Kniffen noted that Katie Legg will be our new councilperson and would like to attend a training school in Albany. Resolution.

- 12. Discussion – Strategic Agreement. (GEK)**

Supervisor Kniffen said we've now had grants writers for two years. Last year we got the grant for the drainage project approved and we re-submitted for the salt barn and recently were approved for that. The drainage project is in the engineering design phase right now and is near completion. I don't know of any additional major capital projects. We did have the water tank that was over \$200,000, but it got turned down and we were told we'd probably never get that approved. Our current agreement expires February 1st and I think we wouldn't want to renew that at a cost of \$36,000 a year. The drainage project was \$182,000 and the salt barn was \$260,000 and we got a grant for 50 percent and the town pays the rest. We've already planned for that in the next couple of budget years since we knew we probably were going to get some

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of these grants. We could put in for a grant for the water pump station at about \$47,000 but I think to spend \$36,000 to get \$47,000 wouldn't be a good return on our money. Councilwoman Yonchuk added that we don't know if we'd even get the grant.

Supervisor Kniffen said that once you get a grant you have to manage it. There are progress payments, we have to report progress to them and there are numerous other conditions that have to be met. Normally the grant writer would administer it so if we do not renew the agreement we have to take on that responsibility. Katie Legg would like to be part of that. If we went back to Strategic without an agreement they'd want 10 percent of the grant to administer it. The projects that we have should be fairly simple to manage by Katie Legg, John Finch, John Mastronardi and myself. Everyone agreed not to renew the Strategic agreement.

13. Discussion – Road Project. (GEK)

Supervisor Kniffen said this is in regard to the \$1.4 million project to redo designated roads. We received a \$400,000 grant from Senator Akshar's office, it's called DASNY – Dormitory Authority of the State of New York, and Jim Smith is involved with it because of the amount of money involved. All the roads have been completed with the exception of Duell Road. He said Jim is concerned because all the roads are not done, with the understanding that we had the flood in August of 2018, and we couldn't get some roads done. Mr. Finch said Duell Road is the only one that has not been done and it will be first on the list. I talked with Senator Akshar's office and was told that everything has been submitted to the Senate majority leaders, but we're included in about 20 grants that are being held up right now due to the fact that the Senate has shifted power and they are in no hurry to sign any Republican grants, although they will eventually be signed.

14. Audit of Claims. (12/30/19)

Acapella Group Donation.

Councilwoman Yonchuk asked is the \$100 for the acapella group from Windsor High School that performed at Hometown Christmas was a donation or did they bill us? I'm all for the donation but what concerns me is that group and other musical groups from our other schools, they do many performances for nothing and they don't get donations, and I think that's wrong, but if we start giving donations that could be setting up a precedent that could hurt other groups that count on these groups doing it for nothing. Supervisor Kniffen said, just looking at it with tunnel vision, this is Hometown Christmas and it's winter and all outdoors and they were out there when it was very cold and windy and singing their hearts out. I feel with this one situation it was worth it. I do understand your concerns and they're good. Councilwoman Yonchuk said I don't know if the whole group performed, but for something like that, the point is well taken that it's out in the cold, but I'd rather see us do something for the kids that night, because that will go into an account that those kids aren't going to benefit from any more than other kids in the group. Possibly a donation of hot chocolate that night or something like that might be a better option, or a smaller donation of \$50 and use the rest of the money for those kids that night. Supervisor Kniffen said that's a good idea.

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CDL License Renewals.

Councilman Grubham said we paid for Bill Tozer's CDL license renewal and questioned is that something we've been doing and how long does it last? Mr. Finch said we've been doing this right along and I believe it's in the Union contract or at least in writing.

Furnace Repair.

Councilman Grubham questioned the \$500 payment for a furnace repair. Mr. Finch said that was for the furnace at the water treatment plant and explained the repairs involved.

Councilman Grubham also questioned why we hired someone from New Milford to do the work instead of someone local that pays taxes here. Mr. Finch said he was referred to us in an emergency situation. Councilman Grubham said there are numerous people in this area that do that kind of work and you should look around if that situation comes up again. I'm sure there are plenty of people that would respond.

Resolution.