

TOWN OF KIRKWOOD WORK SESSION

March 29, 2016

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

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
John Finch, Jr., Chief Water Treatment Plant Operator
James Smith, Budget Officer
Marchie Diffendorf, Planning Bd. Chairman

Irving Ave.

Cynthia Green, of Irving Ave., addressed the Board with concerns she has about her road. She said there is no dead end sign or outlet for traffic and she does not know who the owner is, although she has been trying to find that out because there is no road maintenance. Supervisor Kniffen said it is a private road and from time to time there are water problems. It was not clear if and/or how often the Town plows the road, although Mrs. Green said they have been plowing it for years. John Finch said they do plow the paved part of Irving Ave. up to where Cunningham's building used to be. To his knowledge they don't plow the dirt portion of the road. Ms. Green said they do plow that portion every year. She is very concerned because the road is a mess and she can't find the owner. Supervisor Kniffen said Alexander Rd. is private also and the people that build there understand that, that the Town doesn't maintain those private roads. Ms. Green said she understands that but the Town has been up there all winter long. She added that Janice Crocker lived there for 60 years and at one time she was told the Town was going to put in a turn-around just past her property. She said the road is getting almost impossible to drive on. Supervisor Kniffen said Ms. Green could contact the Highway Superintendent, Ray Coolbaugh, at his office or come to the next meeting. He added that the Town is not supposed to be doing anything on private roads, and if they have been plowing the road that is a gift to the residents.

American Water Resources of NY.

Supervisor Kniffen reported that a resident dropped off a mailing she received from American Water Resources of NY due to a concern she had as to whether or not it was legitimate. He said this is an ad offering property owners insurance for the water line from their home to where it connects to the Town. He said he has never heard of property owners insuring their water lines. Councilman Grubham said although it is most likely legitimate, the Town should somehow notify Kirkwood residents that they really don't need to do that. Some people see something like that and become afraid that there is something wrong. Something will be posted on the website in this regard.

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Hiring Policy.

Supervisor Kniffen stated a new hiring policy for positions in the Town was recently adopted. In the past all positions were not advertised for, but now they will be. At the last meeting an exception was taken for the Planning Board and Zoning Board of Appeals. Now that he has had time to look back at it, Supervisor Kniffen said he is questioning why they would eliminate that, because otherwise there may be people that want to be on one of those boards and wouldn't know about it other than by word of mouth. He feels those boards should be added in the advertising requirement as well. Councilman Weingartner said those boards do not have much of a turnover and he sees that other towns are always advertising for those positions. He feels advertising is the proper thing to do anyway but as far as the interview process he feels it should be left up more to the chairman. Councilman Diffendorf said the Town has been very fortunate to have the ad hoc members so that regular board members are filled through that procedure. He is questioning if it is necessary to keep advertising for ad hoc members. Supervisor Kniffen said if they truly want people to know there is an opening in whatever department or board, the best way it to advertise for it. This is mainly to make sure Kirkwood people know about the openings. A lot of people want to be involved in the community and part of the process and the best way of letting them know, other than by word of mouth, is advertising. He said the ad hoc people certainly would be part of the interview process. In the case of a vacancy on one of those boards, it could be assumed that current ad hoc members would have a leg up because they have attended meetings. That would be up to the chair person. Marchie Diffendorf said they would certainly have the most experience, although he doesn't know what the backgrounds would be of some other applicants. Currently there is only one ad hoc member on the Planning Board and he has at least five years' experience. Councilman Weingartner agreed with Councilman Diffendorf and said usually the ad hoc member would take the open position, so it is like a learning tool for the ad hoc members, and ultimately a member. Supervisor Kniffen questioned if they wanted to amend the resolution to state that if there is an ad hoc member they would be given first preference and if there is no ad hoc members then they would advertise. Councilman Weingartner said his personal opinion is that it's too much. If there is a position that is open usually an ad hoc person will take it. Supervisor Kniffen said he sees Councilman Weingartner's point but they have gone this far, so why stop now. There could be a situation when there isn't an ad hoc member and then what would they do. Councilman Diffendorf questioned that the Policy states, "This policy does not impact or affect those positions subject to the provisions of the Civil Service Law." He said his understanding is they have to pick from a Civil Service list but they still do an interview. Councilman Weingartner said whether the applicant is a resident or non-resident, you have to go with whoever scores the highest. Councilman Grubham explained how this works, stating they have had this situation several times, and sometimes they have hired people that haven't had to take the test for years. You are allowed to pick out of the top three scorers and if that person they previously hired was in the top three they can keep them. Mr. Blaise said the positions of Dog Control Officer and Code Officer are positions that you have to hire off the Civil

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Service list. As he reads the policy the Town wouldn't advertise for those positions and then run them through the vetting process. For those positions the Town would have to go to the County and they would provide a list of the top three candidates, and then the Town could interview and pick out of those candidates. The Town cannot go around the Civil Service list by advertising to the residents at large like they would for non-civil service positions. Councilman Diffendorf said the Town just went around that Civil Service issue when they hired the recent Code Officer, he was selected without being on the Civil Service list. Mr. Blaise said the Town can go off the Civil Service list if they don't have anyone available and it is his understanding that was the situation. Supervisor Kniffen said he is probationary and will have to pass the Civil Service test. Councilman Grubham added that in the past it has happened a couple of times that people on the list didn't want the job after they found out what the job was. Councilman Diffendorf said they still have to interview the candidates so he is questioning why the policy says it does not impact or affect those positions. Mr. Blaise said that was a blanket thing he put in there stating they were not trying to trump or get around any Civil Service Law provisions. It doesn't prohibit the Town from advertising for the position if candidates on the list are for some reason not qualified or don't want the job. Councilman Diffendorf said they still want the option of being able to interview anyone for the position. Supervisor Kniffen said this goes back to his anger that the Town does not have their own personnel department, they have Broome County telling them what they have to do as far as Civil Services positions and other things as well, such as temporary help. They don't help pay the bills though. He feels Councilman Diffendorf is making a good point. The way it works, the Town can pick from the top three, and at that point there would be an interview process. Councilman Diffendorf said he wants the interview process to be included in the wording regarding Civil Service people. Mr. Blaise will amend the wording in the policy to include interviewing for all candidates.

1. Discussion – Muffin Monster for Main Sewer Station. (J. Finch)

Supervisor Kniffen explained the main sewer station requires maintenance from time to time and for the efficiency and effectiveness of maintaining it they are considering buying a Muffin Monster. John Finch has been asked to get bids and they have asked Jim Smith to make sure there is enough money in the sewer budget to pay for it.

John Finch explained that a Muffin Monster is a grinder. All the sewage comes into one facility and as it comes through there are a lot of rotating blades that cut and dice all the rags and material and turns it all into fine particles. Whereas right now it all comes through the main sewer station and plugs the pumps and they have been having issues with being able to maintain them. Quite a few of them have burnt out because of the fact that all the rags and wipes are getting stuck in the pumps and they have to be sent out for repairs, which is quite expensive. They just had a pump go down recently at a cost of \$5,600 to repair. They are trying to avoid all that unneeded maintenance on the pumps by installing this unit. Quite a few towns do have it and they all highly recommend it.

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He said the actual cost for the Muffin Monster unit is around \$35,000. There is additional cost to install the unit, to retrofit it into the station, purchase a hoist to periodically maintain it, modification to the platform, cut a hole in the concrete and reinforce the concrete with I-beams, etc. They will also have to do by-pass pumping from local pumping companies so that sewage will not back up into the system while they do the repairs and modifications. There is also a contingency amount of \$8,000 figured in by the Town's engineer, John Mastronardi. The estimated cost will be about \$88,000 for everything (including the Muffin Monster), but John Finch is thinking that is on the high side. In response to Councilwoman Yonchuk, John said the Town's system will most likely be down for about a half day. He provided details of what will take place. They will also be replacing some valves at the same time. \$10,000 is included in the total price for by-pass pumping which is based on what it cost them two years ago. He is hoping they can cut the price at least in half this time. John also noted that amount won't be figured into the bid. The by-pass pumping will be scheduled by the Town.

In regard to how this will be paid for, Supervisor Kniffen said there is \$126,000 in reserve funds. Jim Smith added there is \$50,000 scheduled to go in also for the 2016 budget. They could take part of that before it goes in there to supplement the existing equipment line and wouldn't be using any of the 2015 reserve. There will be no borrowing involved. He said there is another \$45,000 in contingency for sewer so they definitely can afford to do this. Supervisor Kniffen said this has been discussed at length and it seemed like the Board was leaning towards this. He did note there is a little disappointment because he thought the cost was going to be more like \$50,000 to \$60,000. Councilman Grubham said it still could be around there. It won't be known until they get the bids in. John said there are two companies that he knows of that will bid on it. It will be the responsibility of the bidder to get a contractor to quote out a price for the retrofitting of the Muffin Monster in their bid, including electrical, concrete – everything. The only thing they will not be quoting is the by-passing for pumping.

John said once the Board approves going out to bid on the project John Mastronardi will draw up the specs and hopefully it will be put out to bid next month. In response to Councilman Diffendorf regarding the life expectancy of the unit, John said it is a hydraulic unit, with the pump upstairs above the flood level so that is the only thing that can go bad. The actual whole unit can be submerged if it happens to flood. The only concern is regular maintenance on the teeth. They eventually wear to the point where they don't cut as easily. It usually takes about seven years for the teeth to go bad. He is looking to put something in the budget each year for maintenance so they don't have to come up with a lump sum every seven years. The Board agreed to go to bid. Resolution.

Sewer Rates.

To give everyone an idea of how things have skyrocketed over the years in regard to the sewage facility in Vestal, Supervisor Kniffen said when Bell School was added in the late 1990s the sewer rent was \$120 a year for a typical home. Sewer rent is for the flow that is sent for

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them to process. There is a separate charge for O&M locally to maintain the lines. Now sewer rent is up to \$520 a year. This is a result of DEC orders, chemicals, EPA involvement and plus a lot of capital involvement that is going on. The rate was recently lowered from \$5.25 to \$4.90 per 100 cubic feet. They are now projecting through 2020, after talking to the City Comptroller, and it looks like years 2018 and 2019 they might see about a 5% increase and in 2020 possibly a %10 increase. They are always trying to plan ahead and prepare people in the sewer district as to what is happening and what the costs are. After receiving the statement for this year, it looks like the rate can be lowered to \$4.65 for the next billing cycle. Supervisor Kniffen said he definitely supports reducing the rate. Mr. Blaise said a resolution will be needed on the agenda next week to schedule a public hearing for April 26th. Mr. Smith noted that the May 1st bills will go out at the old rate. The new rate will be billed September 1st.

2. Water Leak at 14 Grossett Drive (Greg Fish's Rental Houses) – Credit for Sewer. (J. Finch)

John Finch explained that during the week of March 7th Greg Fish, who owns Blue Collar Sports Bar and 3 rental units, asked to have his meter read because he thought he had a water leak. John read the meter and confirmed there was a leak somewhere in his yard. Mr. Fish fixed the leak that following Friday and he asked if he could get a credit back on his bill for the sewer that is going to be billed for the amount of water that was used due to the break. After reviewing his records, John came up with an average of what he normally uses for a 4-month period, which is about 8,000 cubic feet. For the reading coming up he has used 21,356 cubic feet of water in addition to the 8,000, so he has used almost 30,000 cubic feet of water in 4 months which is almost 4 times what he normally uses. This would mean he would get a bill for an additional \$1,046 of sewer charge on his bill for the water that went into the ground and he is asking for a credit for that amount. John said the leak was between the meter pit and the rental properties. He said he explained to Mr. Fish that he would still be charged the full 30,000 cubic feet for water because that was actually used. It was noted that this type of credit has been given previously. The sewage treatment plant will still bill for that amount so the Town would have to absorb it. Supervisor Kniffen said another way of looking at it is that the additional cost from the treatment plant to process this extra, when you look at the whole sewer district, is very minimal. Mr. Smith said the Town could actually appeal to the treatment plant when they report the final flow that they would like to make an adjustment for this. Their only argument would be that it is all coming to them through infiltration. A case would have to be made that that isn't so. Supervisor Kniffen said that's a good idea and they should try that first.

3. Discussion – Sewer Line Inspection for CMOM. (J. Finch)

John Finch explained every year they have to inspect or maintain the sewer lines, which they have now been doing for a number of years. This year they are inspecting about 1 ½ miles of the line. He received bids from the same vendors they have used in the past. Jones Specialty

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Service Group quoted \$1.95 per lineal foot to clean and inspect the lines. The second quote is from Pipe Eye Sewer out of Bradford, PA for \$2.14 per lineal foot for the same work. Both of the quotes include prevailing wage rates. They plan to finish up NIFB, do about 300 feet at the intersection of North Sunset and Howard. This will cover about a mile and then John will check records to see what other areas need to be inspected. Supervisor Kniffen said this has been an ongoing program in Kirkwood for a number of years, prior to CMOM. John said they try to do 1 ½ miles every other year. They have to show they are inspecting and also maintaining and repairing any infiltration. Since this year they will be inspecting, next year they will plan on fixing any issues they find this year. John said there are about 15 miles of sewer lines in the Town. It was noted they might scope Grossett Drive considering the problem they recently had there. John said the cost is estimated at a little over \$10,000 and it is in the budget. He said they will not have to clean every foot of the lines so most of it will be \$1.25 a foot from Jones, if they go with the low bidder. If they have to clean the lines it will be the higher amount quoted. Resolution.

Water Sales.

Councilman Grubham reported that during the past weekend the Town sold water to one of the pipeline companies working in Windsor. They took 37 loads at a charge of \$30 per load. He said that doesn't seem to be anywhere near enough in his mind. He noted that it had been changed from \$100 because some people were using the water to fill swimming pools. He questioned why they weren't getting water from Hallstead and trucking it up Randolph, which is what they were doing with Kirkwood's water. He noted that possibly it could be because it would cost a lot more money in Hallstead. He said the Town didn't have to do that and they weren't supposed to do that until April 15, under Town Law. Councilman Grubham said he thinks the Board should revisit this. Those companies will make tens of millions of dollars off those lines and Kirkwood is getting \$30 a load. That does not make sense to him. Councilmen Grubham and Weingartner will review this.

4. Discussion – Solar Energy. (GEK)

Supervisor Kniffen stated that the Governor has dictated that there needs to be a certain amount of solar energy. He said in Conklin they are going to put 26 of those in. As with natural gas there are pros and cons. This Saturday a seminar will be held at Cooperative Extension regarding this.

Mr. Blaise said there are 2 types of issues. One is with private landowners being approached by land men to lease their land for a solar farm, as they may have been when it was thought natural gas was going to be developed, and this directly doesn't impact the town in terms of the leases being signed because those are private issues. Aspects that do directly impact the town are (1) how do banks of solar panels on private property impact the value of the land in terms of it's taxable value and (2) how does that impact the land generally in terms of site plan issues.

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Mr. Blaise is on a committee that is going to try to address these issues. Scott Kurkowski, a local attorney dealing with these issues, cites this example: If someone has a bank of solar panels put on their farm and after a couple of years the company goes belly up and isn't responding or servicing the panels and now the property owner has 200 solar panels on his property with no way to maintain them, what happens to them? Will they sit there and decay, who pays to have them removed, and what type of environmental hazard does an abandoned bank of solar panels present. He said towns are looking at the issues of how to treat these properties for tax issues and what can be done to control the development to ensure the property, environment and the towns' interests are protected. Mr. Blaise said there is a section of the Real Property Tax Law where real property, including solar or energy systems that are put in place in accordance with the State mandates are exempt from taxation unless the town passes a local law opting out of giving them the exemption. The Town would have to opt out so they could tax the land because once they get this going it would be too late to tax it. PILOT agreements would be options but either way the Town has to consider how they want to treat these things in terms of property taxes. The Town may want the exemption to stay in place to encourage this type of development thinking that would be good for the Town or if these things do take off that they are capturing the increase in value in the property. Another issue is to look at zoning and planning concerns. Some of the things to be addressed are requirements regarding removal of the panels when they no longer are in service and requiring a bond to be posted, since these things may not be in the landowner's lease.

Marchie Diffendorf said the zoning aspect is a concern of his because this would be putting industrial or something else on agricultural land which is not allowed in Kirkwood without a variance. He said there is also a concern regarding the aesthetic value for the neighbors. He said these are 20 to 30 acre solar farms, all black panels. If a neighbor's house is looking right down on the solar farm he feels it would be an awful thing to look at. He added that the Governor mandated this and the utilities are responsible for installing them. They have to put in so many by the year 2020 and by the year 2030 half of New York State's power has to come from alternative energy, solar and wind. There will be thousands and thousands of acres of these solar panels and the rate payers will have to pay for it.

Councilman Grubham said the problem with discussing this with the Comprehensive Plan Committee is the information available is pretty sketchy just yet as to how this all could come down so it may have to be added after the Plan is complete. Mr. Blaise said he will be attending the seminar later this month and he feels it is something they should be keeping an eye on to be ahead of and not trying to catch up. It is already arriving extensively in Delaware County. Councilman Grubham said when flyers were sent out with questions regarding the Comprehensive Plan, a large percentage of people responded they wanted solar and wind. The question of whether they wanted it in their backyard was not asked, which might have changed the response dramatically. Mr. Smith added that he attended a meeting in this regard last summer and aside from private development, a lot of talk centered around the municipalities

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themselves installing these on vacant land where there would not be eyesore problems and they could conduct the maintenance properly, etc. and take ownership of it. He said the question arose as to payback versus typical utility rates, which was 25 years or more. Marchie said it is longer than the life expectancy of a solar panel. Mr. Blaise noted another issue will be what will be done with the discarded cells. Councilman Grubham said there is a lot involved with this and technology is changing so fast that what they put in today could be useless tomorrow.

5. Discussion – Upper Court Street Drainage. (GEK)

Supervisor Kniffen reviewed that this is a flooding issue where Stratmill Creek comes down by the vacant motel and heads west along Route 11. The threat of floods has made the motel unsightly and unsellable. Since 2006 DOT has been doing a study on how to engineer that and the cost. At that time the thought was that DOT was going to fund it. This year the Town was informed they will not be funding it, other than the design. During a recent meeting they gave the Town the design which they originally said would cost \$6 million but it ended up being \$3 ½ million to do the project. Frank Evangelisti was hoping to find some grant money for the project but apparently there is none at this time. The study was to go under Route 11 and down to the river. Supervisor Kniffen said Councilman Grubham suggested cutting it off before it gets down to Route 11 and go across the front end of the motel parking lot and hook in that way. John Mastronardi has been asked to take a look at that to determine if it is feasible and give them a rough idea of what it might cost. Then the hope would be to find someone that would be interested in the motel sight since it should be worth a lot more. They also talked to DOT about clearing out the corner for development.

6. Discussion – Signs for Purple Heart Town. (GEK)

Supervisor Kniffen said last year Broome County was designated as a Purple Heart County and last year the Town honored their local Purple Heart Veterans at a ceremony at Veterans River Park. Since then the Town designated the Town of Kirkwood as a Purple Heart Town. The County put up a sign on Route 11 and the Town wants to put up signs as well for the Town's designation. Three signs have been ordered to be located at: Route 11 by the County sign in Riverside, Upper Court St and the entrance to Veterans River Park. There is money in the sign reserve fund. Councilwoman Yonchuk suggested a sign be put alongside the Town's welcome sign coming in from Conklin near Frito Lay. The cost is about \$400 per sign. Councilman Grubham said if it is important enough to do it they should be located at all entrances to the Town. It was decided to put a sign at all locations where a welcome sign is located.

7. Discussion – New Town Garage. (GEK)

Supervisor Kniffen explained they bought land in anticipation of relocating the town garage at some point since it gets flooded quite often. He thinks it is time to get serious about it and put

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more money aside to do this. He asked Councilman Grubham to look at this and come back to the Board with an estimate of what the cost might be.

8. Discussion – Benefit Committee to Meet. (GEK)

Supervisor Kniffen said there is a lot of discussion about and concern regarding the tax cap plan. Although the Board believes in it, it gets harder and harder to meet. They don't get a lot of exemptions, like health costs increasing every year and the Town has no control over that. He is thinking for the distant future, rather than leave it to some Town Board way down the road, to actually take a look at the Town's benefits as they are today with the thought in mind as you get down the road and tax caps and consolidation sharing become more and more evident and a challenge, that maybe in future years they can't be so generous. As an example: Before they changed to the current plan in the 1990s, to get health insurance paid until you passed away, a person only had to work 5 years and be 50 years old. He said that is ridiculous. Now 16 years later what they have today may look a little generous so he thinks the Committee should take a look at it. He will recommend that everyone currently employed with the Town be grandfathered in with the current benefits, but anyone hired after a certain period of time would be affected by the new policy if it is adjusted.

9. Discussion – Compensation Plan. (GEK)

Supervisor Kniffen said there was a lot discussion in the past regarding a Compensation Plan that wasn't the most popular plan in the world. This all relates to the tax cap and what was just discussed, but he does not know when the last time was they did not give Town employees an increase. They have to look at this at some point and say how do we control this. He plans on talking to other supervisors and mayors to see how they handle the situation. They want people to be paid fairly but where do they slow it down. Maybe there are years they shouldn't be giving increases. Although he knows this doesn't make people happy to hear this he feels it is the Board's job to manage the Town's money. He feels the people that work for the Town work hard and do a good job and they should be compensated fairly but it is something they have to look at.

10. Request from James Smith to attend the 16th Annual Town Finance School to be held May 12 – 13, 2016 at the Gideon Putnam Hotel in Saratoga Springs, NY at a cost of \$200.00 for the registration fee.

Resolution.

11. Discussion – Update on Cintas (carpet rentals.) (ONB)

Mr. Blaise reviewed that there has been a problem with the service the Town has been getting under the carpet cleaning/replacement contract. He sent a letter to Cintas in February, since under the contract the Town had to give them a 45 day notice that they intend to terminate the

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contract unless they rectify the issues that were pointed out to them. He was getting sporadic updates from Sue and for a while she was not happy with what was going on but in the last couple of weeks they seemed to have turned a corner. Since they are now past the 45 days, the contract can be terminated and he is waiting to hear from Sue in this regard. A determination will then be made as to how to proceed.

12. Resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Kirkwood Fire Company, with the understanding that the members so approved will be assigned for which they have been qualified, in accordance with the attached roster.

Resolution.

13. Summer Schedule:

Resolution combining the June 28, 2016 Work Session and July 5, 2016 Town Board Meeting into one night to be held June 27, 2016.

Resolution combining the July 26, 2016 Work Session and August 2, 2016 Town Board Meeting into one night to be held August 2, 2016.

Resolution combining the August 30, 2016 Work Session and September 6, 2016 Town Board Meeting into one night to be held September 6, 2016.

It should be noted that the June 27, 2016 meeting will be held on a Monday instead the regular Tuesday because of the Federal Primary on June 28th. Resolution.

14. Resolution scheduling a Special Town Board Meeting for December 27, 2016, after the Work Session, for the purpose of auditing year end bills and any other business that may come before the Board.

Resolution.

15. Request from Bill Diffendorf to attend the PERMA meeting to be held May 25-26, 2016 at the Sagamore Resort in Bolton Landing, NY, with mileage and all reasonable expenses paid.

Resolution.

16. Audit of Claims.

Resolution.

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Broome County Executive:

Supervisor Kniffen announced that Broome County Executive Debbie Preston will be attending the meeting on April 5th. Frank Evangelisti, Broome County Planning Director, will be in attendance as well.

17. Executive Session.

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph h of the Public Officers Law regarding the proposed acquisition of real property when the publicity would substantially affect the value thereof. Councilman Grubham seconded. All voted in favor.

MOTION CARRIED.

Work session adjourned to go into Executive Session.