

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

April 5, 2016

A regular meeting of the Kirkwood Town Board was held on April 5, 2016 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: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, DPW Commissioner
Marchie Diffendorf, Planning Board Chairman
Chad Moran, Code Enforcement Officer
Debbie Preston, Broome County Executive
Frank Evangelisti, Broome County Planning Director
Scott Baker, Broome County Legislator

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

March 1, 2016 Town Board Meeting
(2) March 29, 2016 Public Hearings

PUBLIC PARTICIPATION:

Tobacco Free Policy.

Pat Griffin said on March 20, 2016 there was a full page ad in the Press which listed the names of many organizations and municipalities that have tobacco free policies. Since she did not see Kirkwood's name listed she asked if Kirkwood does have a policy in place for Town buildings and parks. Councilman Grubham said they do not have a policy for the parks but the buildings come under State Code so there is no smoking in the buildings or within 25 feet of the entrances. She asked that the Board consider looking into this. Councilman Grubham said they have had discussions in the past but did not enact it. Pat Griffin noted that a lot of municipalities do have the policy in place for their parks. Ray Coolbaugh said he has a packet in his office from the Broome County Health Dept. If the Town wants to do it, the County will provide a sample policy and signage for the parks. This is something the Board would have to vote on. It will be discussed at a future meeting.

Cynthia Green, Irving Ave.

Cynthia Green attended the last meeting and stated concerns about the condition of Irving Ave., which is a private road. She could not find out who the owner is. Mr. Coolbaugh said he does not have that information. He said they have access to the road due to water and sewer lines, and they do plow it when there is a substantial snowfall. Various issues with the road were once again discussed. Ms. Green said according to her deed it is designated as Broome County Route 522. County Executive Preston offered to help Ms. Green with this issue by putting her in contact with someone from the County.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Chad Moran recently attended a solar seminar which he said was basically a presentation for people that own large pieces of property. The recommendation is that they get an attorney and not to prematurely sign leases for solar farms because although it is good for the environment, there are a lot of drawbacks. Currently there are more drawbacks than perks. New York is looking to put in about 300 to 400 square miles of solar panels which will cover up a lot of ground and will have quite an impact on the property. One issue would be who will maintain the solar cells if these companies go out of business. The cells last about 20 years and payback is usually about 15 to 20 years so they may not be economically viable. He said there are drainage issues due to the slope of the panels. Maintenance will be required due to weed growth and the people that sign leases may have

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to take on that responsibility if they don't negotiate a lease properly. Sheep were mentioned to eat the foliage but they emit methane. Landowners should be proactive. Councilwoman Yonchuk asked if there is a minimum amount of land that can be negotiated for a solar farm. Chad said they are looking at 5-acre parcels, but there is other criteria as well such as being near a sub-station, the landowner must own his land free and clear, and they recommend that it be located near a distribution line. He said that the sponsors of the seminar did not present this in either a positive or negative manner. He did note that the attorney provided information on the long term effects involved.

Councilman Grubham said the Comprehensive Plan Committee is trying to develop a plan for this. There is currently nothing in the Town's ordinance about either solar or wind, so as of now it is not allowed. His thought is that the Board will not be in a position to address it for a least a few months, so they might want to consider a moratorium on both solar and wind until they can address the issue. Supervisor Kniffen said other towns have noted they are doing this and he thinks it is a good thought since the Town needs to be prepared. Chad said Kirkwood does not have sustained winds at the hilltops so he doesn't think wind will be an issue. Supervisor Kniffen said the County is sponsoring another seminar in the near future and he is encouraging all Board members, including Planning and ZBA, to attend the seminar.

Supervisor Kniffen reported he received a communication from the NYS Dept. of Taxation and Finance in regard to solar systems which noted there is a tax exemption for them, however a municipality can pass a local law opting out. Mr. Blaise said he referred to this at the last meeting, that there is already a tax exemption for solar farms if the assessor deems there is an increase in the property value. Municipalities can opt out, but they have to take that affirmative step to do it. So if the Town does nothing, they would get the exemption for 15 years. Councilman Diffendorf questioned the need for this if they put a moratorium on it. Supervisor Kniffen said it would be in place if they need it. Mr. Blaise will provide sample legislation to opt out of the tax exemption as well as sample moratoriums for the Board's consideration for the next work session. Councilman Diffendorf said when the Governor pushed this they gave everyone all the breaks they could to get people to put up the solar panels. Dan Giblin, the Town's assessor, will be contacted regarding the taxing status of the solar panels that already exist in the town.

NEW BUSINESS:

Broome County Executive Debbie Preston expressed her thanks to the Board and added that the Town Board and Kirkwood residents should be proud of Supervisor Kniffen. He attends quarterly meetings with mayors and supervisors and he goes above and beyond when looking out for the best interests of Kirkwood. She said there is a lot going on in Broome County. They are finishing up the sewer project which is going up the airport corridor so a new corporate park can be opened up. When she took office there was not a good inventory of shovel ready sites. They've taken water, sewer and gas up the corridor. The waste is being sent to the Endicott sewage plant and by doing that they are replacing some of Union's pipes and pump station which helps Endicott and it is better for the County because Endicott has the growth there. Not only will this open the area up for a corporate park, the airport still has a septic system that is over 40 years old. This is an \$8 million project and that will be hooked up to the sewer soon. This will also go out to the landfill, and leachate will be trucked out, which will save quite a bit of money.

In a few months they will start a 4-meg solar farm project which will be located in the corporate park in Conklin. In New York State there are a lot of unfunded or underfunded mandates. This accounts for 69% of the County's budget. The State is now requiring that new sources of revenue be found. For about 2 years they have been working with the idea of the solar farm which will help reduce energy costs by over \$233,000 a year, which is a savings to the tax payers.

The Southern Tier was one of the big winners for the \$500 million 5-year plan from New York State. This was a huge undertaking. Some of the projects for Broome County are the pharmacy school in Johnson City and moving the nursing school there. There will be a lot of pharmaceutical companies opening up so it will be like a medical community with UHS. There will be lot of changes at the Heron Campus with some businesses expanding and

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new businesses as well. A lot of great things will be happening in Broome County and they are very proud of that.

Sales tax, which is one of the biggest revenues for the municipalities as well as the County, is down. Most of that has to do with fuel costs.

In regard to the Upstate Revitalization Initiative, Frank Evangelisti said the half billion dollar competition was very intense to work on. They worked collaboratively as a region to win the prize, with hundreds of ideas coming in. Their idea for shoring up Binghamton, Endicott, and Johnson City was one of 4 ideas that rose to the top, referring to the innovation district in those areas. One will be centered around the new southern tier high tech incubator that's being built in downtown Binghamton. They will be moving the nursing school and starting the pharmacy school in downtown Johnson City, and expanding the center for advancing microelectronic manufacturing in Endicott. These are exciting projects and there is a lot that will be built around them, which Mr. Evangelisti thinks will benefit everyone in the community.

Mr. Evangelisti said they are in the midst of writing a Comprehensive Plan for Kirkwood. They've inventoried all the Town's infrastructure, demographics, surveyed Town residents and held the first public meeting. They have gone through all of Kirkwood's laws with a very fine tooth comb and came up with a lot of recommendations. This will be wrapped up in a couple of months when they will present to the community what the draft plan looks like.

Supervisor Kniffen asked if the Comprehensive Plan Committee was going to include solar in the Plan. Mr. Evangelisti said he thinks it is something that should be looked at with laws amended to accommodate solar. The Town should be in control of what comes into the Town. He said the County is hosting a solar seminar for Planning Board and ZBA members with information as to what should be put into the Zoning Local Law.

County Executive Preston said there is money available for good ideas in rural areas, since they realize that everything is not just about Binghamton, Endicott and Johnson City and there is blight in those rural areas as well. The County should be contacted with any specific requests in that regard. She added they had their Land Bank kick-off with 7 demolitions in the City of Binghamton.

Jessica Fitzgerald.

Supervisor Kniffen stated that what Jessica Fitzgerald did was awesome, and everyone is so proud of her. He introduced Richard Bond, whose life Jessica recently saved. Mr. Bond said he would like to thank Jessica for what she did, adding that there is no way to thank her enough. Jessica said the day that it happened was just like any other day, basically a regular Sunday until the incident happened. She pushed the panic button, and called 911 but did not get through as quickly as she wanted to. Fortunately she was able to remain calm. Supervisor Kniffen said that he knows her grandfathers, Bill Fitzgerald and Dick Clendening, were certainly looking down at her. He is sure they are here in spirit with their love. Cory Bond thanked Jessica for saving his father's life. He said they will forever be indebted to her. It was great to know they had her taking care of him when he needed it most. In relating how serious Mr. Bond's situation was, Holly Finch said he actually died at the pizzeria, explaining that he passed out and fell backwards and hit his head, and had no pulse. He was on life support for 3 days, in CCU for 15 days, followed by a stay in a step down unit. He now wears an external defibrillator. She added that he technically died 4 times before they got him to the hospital. She said that although Jessica said it was a normal day, it definitely was not.

Councilwoman Yonchuk moved to adopt Resolution Honoring Jessica Fitzgerald, in accordance with the attached resolution. Councilman Diffendorf seconded. All voted in favor.

MOTION CARRIED.

Councilwoman Yonchuk read the "Resolution Honoring Jessica Fitzgerald" and presented a certified copy to Jessica and her parents. (Former Town Clerk Carolyn Fitzgerald and former Tax Collector Mary Lou Clendening, are Jessica's grandmothers.)

52-16
Honor
J. Fitzgerald

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OLD BUSINESS:

53-16
Adopt EAF
LL #1-16
Business
Investment
Law

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 1-2016 entitled “Business Investment Law”, in accordance with the attached Short EAF. Councilman Grubham seconded.

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

MOTION CARRIED.

54-16
Adopt
LL #1-16
Business
Investment
Law

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting Local Law No. 1-2016 entitled “Business Investment Law”, in accordance with the attached resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

55-16
Adopt
EAF
LL #2-16
Amend
Zoning LL
Temp Signs

Councilman Weingartner moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 2-2016 A Local Law Amending Section 504.18 of the Town of Kirkwood Zoning Law Entitled “Temporary Signs”, in accordance with the attached Short EAF. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

56-16
Adopt
LL #2-16
Amend
Zoning LL
Temp Signs

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2016 A Local Law Amending Section 504.18 of the Town of Kirkwood Zoning Law Entitled “Temporary Signs”, in accordance with the attached resolution. Councilman Diffendorf seconded.

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

MOTION CARRIED.

57-16
Amend
Hiring Policy

Councilman Diffendorf moved to adopt resolution amending the Policy for Advertising Positions of Employment with the Town of Kirkwood, in accordance with the attached policy. Councilman Grubham seconded.

Discussion: Supervisor Kniffen said that normally with Civil Service positions one of the top 3 candidates has to be chosen. The Board wants to interview people for those types of positions. He said since a Code Officer has to interface with the community and work with people in addition to implementing the Code, he feels a person would need a certain personality for that. He questioned Mr. Blaise as to what their options would be if people with arrogant personalities were an issue. Mr. Blaise said as Civil Service rules go they would not have a choice. If the applicants meet the criteria, the Town would have to pick from the 3. He added when Chad was hired they were able to go off the list because the top 3 did not meet the criteria. Supervisor Kniffen expressed a concern that if there was only 1 person and they were arrogant, why they would hire them if they knew the person would not do justice to the job. Councilman Grubham said even if they had to hire the person there would be a probationary period of time and if they didn’t fit the need they could let them go. Supervisor Kniffen said then there could be a concern with the labor

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board. Councilman Grubham said if they didn't hire a person over something like that they could be in trouble too.

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 authorizing advertising for Sealed Bids for an Open Channel Hydraulic Grinder, with bids returnable to the Town Clerk's Office on May 3, 2016 at 4:00 PM, to be publically opened and read at the 6:00 PM Town Board meeting. Councilman Weingartner seconded.

58-16
Authorize
Bids
Hydraulic
Grinder
(Sewer)

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 scheduling a Public Hearing for April 26, 2016 at 6:00 PM regarding Sewer Rent Rate. Councilwoman Yonchuk seconded.

59-16
Sched PH
Sewer Rent
Rate

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 authorizing Jones Specialty Service Group to perform cleaning and inspection of approximately 1.5 miles of sewer lines at a cost of \$1.95 per lineal foot. Councilman Diffendorf seconded.

60-16
Clean/Inspect
Sewer Line -
Jones

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 authorizing 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 for the registration fee. Councilman Grubham seconded.

61-16
James Smith
Attend
Finance
School Conf.

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 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 duties for which they have been qualified, in accordance with the attached roster. Councilman Grubham seconded.

62-16
Kirkwood
Fire Co.
Membership
Roster

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

MOTION CARRIED.

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63-16
Combine
Summer
Mtgs.

Councilman Weingartner moved to adopt resolution combining the June 28, 2016 Work Session and July 5, 2016 Town Board Meeting into one night to be held June 27, 2016. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

64-16
Combine
Summer
Mtgs.

Councilwoman Yonchuk moved to adopt resolution combining the July 26, 2016 Work Session and August 2, 2016 Town Board Meeting into one night to be held August 2, 2016. Councilman Diffendorf seconded.

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

MOTION CARRIED.

65-16
Combine
Summer
Mtgs.

Councilman Diffendorf moved to adopt resolution combining the August 30, 2016 Work Session and September 6, 2016 Town Board Meeting into one night to be held September 6, 2016. Councilman Grubham seconded.

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

MOTION CARRIED.

66-16
Sched.
Special Bd
Mtg. – Dec.

Councilman Grubham moved to adopt 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. Councilman Weingartner seconded.

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

MOTION CARRIED.

67-16
W Diffendorf
Attend
PERMA Mtg

Councilman Weingartner moved to adopt resolution authorizing William Diffendorf, Jr. 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. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

Termination of the service contract with Cintas.

Ray Coolbaugh explained that as of today they have been getting no cooperation from Cintas and he is suggesting they terminate the contract and go to the other company. Mr. Blaise said he will send Cintas a letter notifying them of the termination and tell them they can object if they feel they have addressed the issues that were included in the February letter, although there are still issues.

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Councilman Diffendorf moved to adopt resolution authorizing the Attorney for the Town to send a letter terminating the service contract with Cintas. Councilman Grubham seconded.

68-16
Terminate
Cintas
Contract

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

MOTION CARRIED.

OTHER:

Discussion: Town Historian.

Supervisor Kniffen explained that Town Historian Elwood Derr submitted his letter of resignation, effective today. To comply with the Town's policy, the position was advertised for and applications were received from Conklin, Endicott and Kirkwood. Katie Legg, who is a well-known resident of Kirkwood, has been chosen. She was the founder and force behind the Town's first Hometown Christmas which was a huge success. Elwood has worked with her and has offered to continue doing so if questions arise. In response to Councilwoman Yonchuk it was noted that the \$3,079 is the annual salary.

Councilwoman Yonchuk moved to adopt resolution appointing Katie Legg as Town Historian, PT effective April 6, 2016 for the remainder of 2016 at a pro-rated salary of \$3,079. Councilman Diffendorf seconded.

69-16
Appoint
K. Legg
Town
Historian

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

MOTION CARRIED.

Kirkwood Happenings.

Councilwoman Yonchuk explained Katie Legg and others initiated a Facebook page, and possibly a website, called Kirkwood Happenings. This was largely in connection with Hometown Christmas initially but she is now working to profile the various groups in the town, such as the Senior Citizens, the Beautification Committee, as well as others. They are trying to get some things going with the limited number of local restaurants in Kirkwood by promoting a couple of activities and discounts. There is no agenda; it is not controversial. They will look into putting a link on the Town's website.

Motorsports in Kirkwood.

Councilman Diffendorf reported that on Tuesday, April 12th at 7:00 at the Kirkwood Fire Station on Main Street there will be a big presentation on racing in Kirkwood. It will be very entertaining with old race cars on display. Marchie Diffendorf added they will cover racing from 1938 to the present at 3 different tracks: Kirkwood Speedway, which was located at what is now Veterans River Park, Airport Racetrack, which was on the river flat also and the Five Mile Point track. This is a big part of the history of Kirkwood. Hotdogs and soda will be sold by the Kirkwood Fire Department and the Historical Society will be selling baked goods.

AUDIT AND PAYMENT OF CLAIMS:

Councilman Diffendorf 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 5, 2016, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Grubham seconded.

70-16
Audit/Pay

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Councilman Diffendorf - 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 7:03 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk