

TOWN OF KIRKWOOD WORK SESSION

May 31, 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
Raymond Coolbaugh, Commissioner of Public Works
John Finch Jr. – Chief Water Treatment Plant Operator
Chad Moran – Building & Code Officer
Marchie Diffendorf – Planning Board Chairman
Duane Travis – ZBA Chairman

1. Insurance Representative. (RFW)

Councilman Weingartner said he has had a great relationship with Patrick Regan who has been an insurance representative from Haylor, Fryer & Coon for the last 6 years. He had more contact with him in the first year than the other 6 years with the previous representative. The Town has casualty and loss coverage with Selective through HF&C and workers' comp coverage with PERMA through HF&C. Patrick has moved on to a new company, which is called Insurance Office of America (IOA), and that company deals with the same insurance providers that the Town currently has. He has helped keep the Town's premiums down and provided a great service. It is Councilman Weingartner's recommendation to follow Patrick to the new company.

Patrick Regan said by the time the insurance comparison gets to the Board there have been negotiations with insurance carriers and vetting of different companies and a lot going on behind the scenes. At the end of the day he knows the Board is interested in what is the most value and coverage for their insurance program. That is what he is charged to do and he thinks they have done a really good job at it the last 5 to 6 years. There are a lot of components that make up the cost and they are now focusing on a 3-year action plan regarding the workers' comp safety program. The firm that he is with now excels in that area and there is a whole staff to assist and will compliment what they are already doing with PERMA. Councilman Weingartner added there will be no additional cost for that whereas in the past other programs were presented through UHS and it was felt they weren't cost effective for Kirkwood, being a small municipality. Noting that the new company has the same carriers as the Town now has, Supervisor Kniffen questioned if there might be new carriers that they might like to take a look at that would be less expensive and still do the job. Patrick said in the workers' comp market there are very few NYS municipal carriers, although each year they look at that. On the broad scope they may have some other carriers, because of the size of the firm, that may enter into NY from a comp standpoint, Travelers being one. They write the most municipal business in the country. On the property and liability side there are certainly some other markets to look at for

TOWN OF KIRKWOOD WORK SESSION

May 31, 2016

price comparisons. They have done a lot of comparing and he feels that right now the Town is in the best place they can be for this year but each year they look at it.

In regard to his relationship with Patrick, Supervisor Kniffen said he has been very informative and very available and he appreciates how he works with Kirkwood. He agrees that the Board should do this.

Councilman Diffendorf questioned who the firm is. Patrick said the firm was formerly known as Robert J. Hanifin & Co. located in Endicott for many years. The same people are still there but the owner looked for a continuity plan. Through one of their bonding companies they were referred to IOA and it immediately worked out. He feels it is a big opportunity for himself as well as his clients. He said IOA has offices throughout the country and Robert J. Hanifin is a division of IOA. Councilman Grubham questioned if the Board shouldn't be presented with some type of proposal. Patrick said in his contract with Haylor he has the option of taking with him any entities that want to go with him. Mr. Blaise said the Town's underlying contract would stay in place and when the policy is up for renewal Patrick can continue it at his new office. Patrick said they have put together a Broker of Record letter for each of the carriers, PERMA and Selective. It states that the Town is signing off to move their insurance from HF&C to IOA and will be on Town letterhead for the Supervisor to sign. Mr. Blaise said he has dealt with Patrick over the past year and he has been very helpful, responsive and very informative. He said that he feels having a professional like Patrick is a good thing to hold onto.

Councilman Grubham questioned if the workers' comp rates are set by the state. Patrick said that what the Town is in now is called a municipal pool carrier. There are other standard carriers. What is set by the state is the base rate for each class code. Each insurance company has different rating tiers within their company and they attach their loss cost multiplier, so the annual rate is a component of the base rate by NY and the loss cost multiplier. He added with the pool, worker's comp alliance and PERMA it is a little different. They use the state class code base rates as a guide but then they truly underwrite it based on their experience. So it's less black and white than it is with a Travelers type of insurance. There is more flexibility with a pool. They use those rates as a guide but differentiation comes in and then each company has their own loss cost multipliers and schedule discounts. Mr. Blaise said a resolution will be needed appointing Patrick Regan of IOA as a new broker.

2. Discussion – Water Permit Fees. (ONB)

Mr. Blaise explained that originally the thought was to have a public hearing to change the rate to hook up to the water mains but when he looked into preparing the public hearing notice he saw that this section was changed in the past by resolution, so a local law is not needed. Before processing this by resolution he conferred with Councilman Grubham and they reviewed the proposed changes.

Councilman Grubham reported he received an angry visit from a local water hauler who is mad because the fire company is hauling water to swimming pools and they pay nothing for the water

TOWN OF KIRKWOOD WORK SESSION

May 31, 2016

and he is in business and pays taxes in Kirkwood and is questioning this. He said he had no idea how to respond. Ray Coolbaugh said he spoke with Roger Studer from the fire company and he was not aware of this until recently. There are only 3 places that they delivered water to. Roger will discuss it with the chiefs and tell them they will have to pay for the water for the 3 loads that they got. He said they usually don't fill pools. Councilman Grubham said his thought is that the fire company supplied pool water in the past because no one was hauling but now there are people that do it to make money. Marchie Diffendorf said in the past the fire company policy was if someone was putting in a new pool and they needed a load of water to hold the liner in place until they could get the pool filled, the fire company did that and they received donations. Supervisor Kniffen questioned if they want the fire company to be in competition with a local business. Councilman Grubham noted a concern with driving a fire truck, possibly up in the hills, for only \$100 a load. Councilman Diffendorf said he is not saying they should do it but it does come under training for them. Ray will contact the fire company and report back to the Board. Chad Moran said he doesn't think the fire company should be competing with private business and they should pay for the water at the same rate.

2A. Kirkwood Fire Co. – Truck Purchase

Supervisor Kniffen said he has been contacted by the Kirkwood Fire Co. and apparently they need to replace 2 trucks and the purchase of 1 new truck should replace them. This will cost a lot of money. They said they have been budgeting for this. He added they would also like Mr. Blaise to look at some of the contracts they are considering. Mr. Blaise will do this at the fire company's expense.

3. Discussion – Defibrillators. (GEK)

Supervisor Kniffen explained that defibrillators were purchased for the parks and municipal buildings in the past and there is training from time to time. Councilman Diffendorf, who is the Town's Safety Officer, said training on the defibrillators is good for 2 years. Supervisor Kniffen said it is not mandatory that coaches take training and he noted a concern that if there is an occurrence, if someone would know where they are and how to operate them. He also noted a concern if there would be liability because of this. Mr. Blaise said the potential liability exposure for the town seems to be pretty small. There is a Good Samaritan exception built into the law for someone trying to use a defibrillator to assist someone if it is outside the scope of their normal duties. A doctor, nurse or EMS provider would be held to a higher standard than a basic bystander with only a little training. The law is not entirely clear though. For example, if training is provided, the question would be has the Town provided an expectation that since someone has had the training they should be held liable. He said there is no black or white answer on that. He said in the law that put these defibrillators into public spaces it doesn't look like the Town is required to have them since the Town is not a school, public gym, public beaches, place of assembly for over 1,000 people, etc., which are required to have them. It doesn't mean the Town can't have them but if they do they are supposed to get them pursuant to a plan that the defibrillators are put in place and training is gotten through the regional emergency council, which locally is the Susquehanna Regional Council. He questioned if when the Town got the units they were part of the Susquehanna Regional Council plan. Supervisor

TOWN OF KIRKWOOD WORK SESSION

May 31, 2016

Kniffen said he does not recall that they were. Councilman Weingartner said at the time people that wanted the training were offered it. Since he is a coach he has to have it but other teachers do not have to have the training. Mr. Blaise said he sent them information about the program and it looks like this should be lined up through the Susquehanna Regional Council to protect the Town best from liability. Under this plan the Town is supposed to have a doctor or EMS provider aware that the service is available and know who is trained. Under the law it looks like the Town would be better protected if they go through this plan in terms of potential liability because it would be done under the umbrella of the public health law.

Councilman Diffendorf said there is a battery in the units that he checks periodically. He said the 3 defibrillators in the parks are the main concern because they are not accessible. The units in the town hall, code building and garage are accessible to anyone. The units in the parks cannot be left out because they would get broken or stolen so they are locked up and someone has to be there with a key. It was noted that coaches are supposed to have a key. Supervisor Kniffen noted that at the first ball game this season at Grange Hall Road Park the other coach did not have a key. Ray Coolbaugh said that even if someone is not trained to use a defibrillator it walks you through the steps and it won't shock if it senses a reason not to. Councilman Weingartner said he feels every coach should have a key because there most always would be someone at a game that is certified. He noted that one was stolen from Grange Hall Park about a year after they got them so that is when they started locking them up. Councilman Grubham suggested possibly putting in a box with a key in it that a code would be required to open. He also said a concern with Veterans River Park is that since the park is large it would take 5 to 10 minutes to even get the unit to where it's needed. He added that although it is nice to have them, sometimes it works out and sometimes not and he thinks the statistics show that it doesn't work all that often.

Mr. Blaise advised the Board to review the information he emailed them in regard to legal liability and whether they should be part of the regional plan. Councilman Weingartner added that Sam Borruso was the lead on this at the time they were purchased. He will contact Christina Radicchi to ensure everyone has keys.

4. Resolution appointing Terry Everett as Laborer to work in the Parks Department effective May 16, 2016 for 90 days at a rate of pay of \$10.64 per hour. (RJC)

Resolution.

5. Resolution appointing Eugene Bailey as Laborer to work in the Highway and Water & Sewer Department effective June 1, 2016 for 90 days at a rate of pay of \$10.64 per hour. (RJC)

Supervisor Kniffen explained that when Randy Coolbaugh left they did not replace him but decided to appoint summer help each year and Eugene Bailey, a Kirkwood resident, worked last year. Resolution.

**TOWN OF KIRKWOOD
WORK SESSION**

May 31, 2016

6. Resolution appointing Nickolas Geiger as Laborer to work in the Parks Department effective June 21, 2016 for 90 days at a rate of pay of \$10.64 per hour. (RJC)

Resolution.

7. Resolution appointing Robert Green, Jr. as MEO Heavy effective May 25, 2016 at a rate of pay of \$16.00 per hour. (RJC)

Supervisor Kniffen explained that Joe Barton left for another position. After the interview process Robert Green was hired. Resolution. Supervisor Kniffen added that Billy Martin retired after working for the Town for 37 years and will need to be replaced as well.

8. Discussion – Request to put the used 2002 Volvo Dump Truck with used head plow and used wing on Auction International. (RJC)

Ray Coolbaugh said their new truck will be here in a couple of weeks. He would like to get the old truck on Auction International since he feels it will be the best place to get the most money for it. If given the go ahead, the representative from Auction International will charge \$10 to take pictures of it and put it on line and then sign a contract. The contract states that they are responsible for selling the truck and won't sell it for any less than they agree on. Then they sell it for as much as they can get out of it. He will appraise it once he is down here. Ray said he is hoping they get \$40,000 to \$45,000 out of it. He believes the buyer pays the auction fee.

Resolution.

9. Discussion – Ad to be placed in the Press and Sun Bulletin, Country Courier, on the town's website and possibly Craig's List Binghamton to replace Bill Martin. (RJC)

Ray Coolbaugh said he would like to add Craig's List for this ad to try to get more Kirkwood residents since a lot of people don't get the newspaper anymore. Resolution.

10. Discussion – Resolution accepting the resignation of Benjamin F. Weingartner, Justice of the Peace effective June 7, 2016 and appoint Benjamin F. Weingartner as Justice of the Peace effective June 8, 2016 until December 31, 2016.

Supervisor Kniffen explained that Judge Weingartner is retiring as of June 7th and the Board will appoint him as temporary Justice until the end of the year. This way it will get on the ballot for this year and give people that want to an opportunity to run for the position. Also, as noted by Councilman Weingartner, judges will once again be elected in alternating years. Resolution.

**TOWN OF KIRKWOOD
WORK SESSION**

May 31, 2016

11. Discussion – Resolution pursuant to section 3A(e) of Local Law No. 2-1976 entitled “A Local Law Regulating the Use of Parks of the Town of Kirkwood”, authorizing the Town Clerk to issue a permit to the Kirkwood Fire Company for the display of a movie with no admission charge on July 23, 2016 without any permit fee to guarantee proper clean up.

Supervisor Kniffen said last year was the first year the Kirkwood Fire Company had a movie night in the park and it was a success and they would like to do it again. Resolution.

12. Resolution pursuant to section 3A(e) of Local Law No. 2-1976 entitled “A Local Law Regulating the Use of Parks of the Town of Kirkwood”, authorizing the Town Clerk to issue a permit to the Kirkwood Town Fair, Inc., for the use of the entire Kirkwood Veterans River Park on August 11, 12, and 13, 2016 without any permit fee to guarantee proper clean up after each use.

Resolution.

13. 2016 Agreements:
Police Athletic League (PAL)
ACHIEVE

Resolution.

14. Discussion – Possible Facebook page for the Town of Kirkwood. (GEK)
Supervisor Kniffen said John Finch Jr. approached him about Kirkwood having a Facebook page. He said this might be another avenue for when the Town has things such as an employment vacancy. Councilman Weingartner said he does not like Facebook. He said there is too much bad stuff and someone would have to 100% monitor it. Councilwoman Yonchuk said there is nothing about Facebook that assures anything you’re seeing on there is factual. Supervisor Kniffen said Katy Legg has Kirkwood Happenings and people comment on that favorably, but he questioned if someone could cause issues with it. Councilman Weingartner said it would be good if Kirkwood could put announcements on it that no one could comment on. Councilwoman Yonchuk said there is such a thing as having a closed group on Facebook but it only reaches the people you let see it. Mr. Blaise said he represents a town that has had a very bad experience with Facebook. An issue was who was in charge of monitoring it and someone didn’t like something that was going on with the town made some negative postings, which was sent out to their network of friends and people kept piling on. They were getting things from all over the country criticizing town officials, etc. Councilman Grubham said he thinks they should stick with what they have but add Craig’s List. It was decided to drop the Facebook suggestion. Marchie Diffendorf suggested that it could be posted on the Kirkwood Happenings page.

**TOWN OF KIRKWOOD
WORK SESSION**

May 31, 2016

15. Resolution authorizing Supervisor to expend funds from the Sign Reserve Fund in the amount of \$ 3,800 to be used for the Purple Heart signs.

Supervisor Kniffen explained the Sign Reserve Fund was set up back when the Beautification Committee sponsored a project to have welcome signs put up at the entrances to the Town. The fund was set up in anticipation of maintenance and replacement of the signs. This resolution would be to take \$3,800 from the Reserve Fund and put into general fund for the Purple Heart signs. Resolution.

15A. Highway Garage.

Councilman Grubham reported the estimate to build a new highway garage is a lot more now than it used to be. He was just notified that construction supplies are going up 7% and he gets that notification every year about this time. Initially he thought it could be built for about \$1 million and that was 4 years ago so now it will most likely be closer to \$1.3 million or more. Supervisor Kniffen said the land has been purchased in anticipation of moving the garage but now a plan is needed to build. It is definitely part of the process to look for grant money, although that has been unsuccessful so far. He will work with Jim Smith to set up a reserve fund for this project. He said they should consider adding 7% each year to the number they come up with to put in the fund.

15B. Time Warner – Cable TV.

Supervisor Kniffen explained the current Time Warner agreement for Cable TV expired in 2012. He said Herb Kline was negotiating that and it needs to be taken care of. A new company, Spectrum, has now taken over Time Warner, so the new agreement will be with them. Mr. Blaise said Spectrum will assume the agreement but the question is now that the merger has taken place is if Spectrum will act, since negotiations had been put on hold. His office is working with a number of other towns in this regard. Supervisor Kniffen said they have been trying to get cable service to some of the outlying areas and in last year's budget there was \$550 million appropriated to do this. One of the requirements of this merger was Spectrum is to add 145,000 homes in NYS so the Town is looking at that to be a help in adding cable coverage.

15C. Paving – Parking Lots.

Councilman Grubham said the parking lots around the town hall are starting to fall apart and he thinks this should be addressed right along since the price for paving is quite low right now and it won't stay there forever. Ray Coolbaugh said he got prices last fall for this. Councilman Grubham said since it will never be cheaper they may even consider borrowing money for it. Ray Coolbaugh said it is \$4,000 a day for a grinder and he suggests they grind it all out. Councilman Grubham said he thinks they should look at it both ways since it's not a cheap job and they might not be able to afford that. Ray said Broome has the NYS bid. He is thinking the quote last year was about \$8,000 for the blacktop. Ray will get more information and report back to the Board.

**TOWN OF KIRKWOOD
WORK SESSION**

May 31, 2016

15D. Blue Collar Sports Bar.

Councilman Grubham said Blue Collar Sports Bar would like to talk to the Board about operating a mobile concession stand in the parks. He said he thinks bids would be required. He noted that any groups that did this in the past and were trying to make a profit never did very well. He is questioning if they want to get involved with this at all. He said very late last year Frosty Joe's was talking about this as well but then they backed off. Councilman Grubham said there are just not that many ball games and the season is pretty short and he is not sure they are aware of how little is available to them. Councilman Weingartner said he thinks there are other stipulations as well because he remembers Herb talking about there being quite a lot of things to go through to get it done. Mr. Blaise said Department of Health approval would be required and the Town would want to make sure they have all their insurances lined up. After a quick look into this he said he doesn't think there is a requirement to get bids but the discussion in the past involved a concern that there may be other people that want to do it. Councilman Grubham mentioned a reference that Herb might have made in regard to how the money was obtained for the park, either federal or state money, so it would have to be bid out. Councilman Diffendorf said there have been a lot of people over the years that have wanted to do this and it always ends up the same way that it has to be bid out.

**16. Audit of Claims.
Resolution.**

17. Executive Session.

Councilwoman Yonchuk moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph d of the Public Officers Law regarding proposed, pending or current litigation. Councilman Diffendorf seconded. All voted in favor.
MOTION CARRIED.