

# TOWN OF KIRKWOOD WORK SESSION

**August 2, 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  
Chad Moran, Building & Code Inspector  
John Finch Jr., Chief Water Treatment Plant Operator  
Marchie Diffendorf, Planning Board Chairman  
Duane Travis, ZBA Chairman

## 1. Discussion – Permits for Decks – Charge a Fee. (C. Moran)

Chad Moran explained that currently there is no charge for a deck permit but people think because there is no charge a permit is not required. In driving around the town he has found numerous decks in the process of being built without people getting permits for them. It is an issue where if they get too far ahead and have to take them down, they don't really want to do that. He added that trying to make it right in regard to the code after the fact is difficult. He suggested a fee of \$25 and when someone comes to get a permit he would give them a how-to pamphlet which would help to ensure people do it the right way. Councilman Weingartner said he always figured there was a fee for that so he has no issue with it. Councilman Grubham said a while ago the Board decided not to charge for that to help people out with the expense at the time they put a deck on, but if they are not getting a permit because they don't think they have to then it may be needed. Since Chad said there are inspections involved with deck construction Councilman Grubham said that could get expensive for the Town so this could help offset that. Councilman Diffendorf questioned if this is in regard to elevated or ground decks. Chad said it pertains to all decks. He added that if there is a cover over it it's called a porch and there already is a fee associated with that. Chad said inspections for ground decks include a site visit before construction begins, a footer inspection to make sure the 42" depth requirement for frost is met and a final inspection. He said if he doesn't get there before they begin construction it can be a nightmare. Councilwoman Yonchuk said she doesn't have a problem with the fee. She also assumed that there was a fee since a building permit was required. Supervisor Kniffen said he knows there have been some issues in the past with decks where they have had to go in after the fact and fix things. Mr. Blaise said a resolution will be needed since all building code fees are set by resolution. Councilwoman Yonchuk questioned if there is any more or less work involved if someone is building a ground deck as opposed to an elevated deck that may have storage space underneath it. Chad said once the footings are in there really is not much difference. He has to be sure that the deck is attached correctly to the house and to the footer. The 42" depth because of the frost line is a big thing, otherwise it

# TOWN OF KIRKWOOD WORK SESSION

**August 2, 2016**

would heave. After all that is inspected he just has to go back for the final inspection for hand rails, etc. Resolution.

## 2. Discussion – Incinerator at Gibson Exit. (GEK)

Supervisor Kniffen said he received a call to make Kirkwood aware that consideration was being given to an incinerator being located at the Gibson exit and if the wind blows a certain way it could affect Kirkwood. Apparently they are going to import garbage. He added that his information is the garbage that passes through Kirkwood now on trains ends up in Ohio. If any additional information becomes available he will keep everyone informed. Councilman Grubham said information he received from a friend that owns the plaza in Gibson is that he is pretty sure this is not going to happen. There isn't anyone in the town that wants it and they plan on fighting it.

## 3. Discussion – Dog Shelter Renewal. (GEK)

Supervisor Kniffen said the current dog shelter agreement with Broome County is set to expire at the end of this year. During this past year he has been in contact with the Humane Society to see what they offer. It currently costs Kirkwood \$10,250 and the Broome County Shelter is proposing \$7,439 for the next 5 years, which is a savings of \$2,811. They will look at the CPI annually, which is the price index, and adjust it accordingly. The quote from Broome County is about \$215 per dog as opposed to the quote of \$250 per dog from the Humane Society. With the Board's approval Supervisor Kniffen would like to contract with Broome County. Resolution.

## 4. Discussion – Boat Launch. (GEK)

Supervisor Kniffen said it's been over a year now since they wanted to put in a public boat launch at Geiger Lane. The major portion of the financing was approved by NYSDEC, which was a good thing. The project was started this spring. In parallel with that the Town's engineer worked with DEC to design the boat ramp so that it would work properly. When DEC started construction they first put a big slab together and slid it into the water and then the next piece and so on. When they slid the first piece into the water it didn't get down low enough to the degree that the Town's engineer wanted, and that's a problem. This weighs tons and other slabs are attached to it. It was brought to DEC's attention, they looked at it again and they thought, obviously, that they did a good job, but the Board does not think so. The Board feels that a boat cannot be launched properly and there may be some problems with liability. A group met in this regard to discuss this because they feel there is no choice but to go back to DEC and try to get this fixed. Before going back to DEC the Town's engineer, attorney and Ray Coolbaugh are working on a solution that most likely will be very expensive. They will then sit down with DEC to see what can be done and hopefully they will agree that it's not a good situation and it needs to be remedied and taken care of. This is not a normal situation where the Town went to bid and got contracts. This was free gratis. Unfortunately it is not something that can be used. He received a call from the Press today in response to a couple of neighbors of the launch that called them. The neighbors did not call him, although he wished

# TOWN OF KIRKWOOD WORK SESSION

August 2, 2016

they had, because he would have told them just what he has said tonight. He said if they are going to try to negotiate with DEC they don't want to embarrass them or anything like that. They only want to try to work it out. At this point they don't know how it is going to work out but it is not a good thing where it stands right now. Although Supervisor Kniffen offered to answer any questions, there were none offered at this time. Supervisor Kniffen added that **at this time due to the condition of the boat launch it is roped off and cannot be used.**

5. Discussion – Railroad Crossing at Herb Kline Way. (GEK)

Supervisor Kniffen explained that the railroad has been wanting to rehabilitate this crossing for over a year and the project is now in progress. Half of the crossing will be done at a time so traffic will never be cut off. DOT is involved and there is a police presence directing traffic. The project should be done by the end of the week. Ray Coolbaugh added that half of the project is done and they should be done by tomorrow afternoon. He said it will be paved at a later date. Supervisor Kniffen said the entire project cost about \$170,000 with the majority of it being paid by the railroad. The Town's expense is for the blacktop at about \$30,000. The businesses and NYS paid for the security.

6. Discussion – A Local Law Amending the “Planning Board Ad Hoc Members” and “Planning Board Rules & Regulations” Local Laws of the Town of Kirkwood. (ONB)

Mr. Blaise explained that some time ago the number of members on the Planning Board was downsized from 7 to 5 members. There are places in the code book which still reference 7 members instead of 5 for both regular members and Ad Hoc members. This proposal will change the references to 5 members. Resolution.

7. Discussion – Request from Paula Hashem, Erin Tuttle, and Kathy Martone to attend the 2016 NYS Association of Magistrates Court Clerks Annual Conference & Training to be held September 25-28, 2016 at the Double Tree by Hilton in Binghamton, NY at a cost of \$148.00 per person for the registration fee and meals.

Supervisor Kniffen said all three court clerks would like to attend the annual conference and training which is usually held out of town but this year is in Binghamton. In the past members or their Court Clerks Association have gone to the training and shared info with them. Councilman Grubham said he is in favor of this but questioned if the court will be closed down. Supervisor Kniffen said the judges have no problem with the court being closed. Resolution.

8. Discussion – Repair of one Aurora pump with US Motor at a cost of \$2,869. (RJC)

Ray Coolbaugh said earlier this year a booster pump burned up on Stratmill Road for the Highland Heights tank. They bought a new one for about \$6,000. This pump was rebuilt

## TOWN OF KIRKWOOD WORK SESSION

August 2, 2016

before it burned up and is considerably cheaper. John Finch said it has already been replaced and is back in operation. Resolution.

### 9. Discussion – Emergency Water Connection from Conklin to Kirkwood. (RJC)

Supervisor Kniffen explained that after the 2006 and 2011 floods Conklin had some water problems and Kirkwood actually ran a line across the bridge and provided them water on a short term basis. In the past they've talked about going into the river so there is water going either way if needed in case of an emergency. Conklin has never had to provide water to Kirkwood. Kirkwood used to buy water from the City (Binghamton). There is a pump station on Upper Court that hasn't been used since the 1960s because the Town's wells were opened in the 1970s. There would be some cost to rehabilitate it if the Town ever wants to open it. John Finch said they would have to basically redo all the controls and programming and test the pumps. He said it was built in 1965 and rebuilt in 1977 and the controls or pumps haven't been touched since then. They did test it once back in the 1990s to make sure everything worked. He said they don't like to get water from the City because they charge us quite a bit. It did work when they tested it. Ray Coolbaugh said something would have to be done with the piping as well because there are leaks. Councilman Diffendorf said if they don't fix it and maintain it they need to fix it and close it down. They will have to spend money there. He said he would think they would maintain it instead of closing it down because either way there will be expense involved. Councilman Grubham said he is surprised this has been let go without trying to maintain it. He said he knows it costs more money to buy water from the City, which they have never had to do, but it would be an emergency deal. He doesn't know why they are ignoring it instead of upgrading it. John Finch said that is what has kind of got this whole process started. They will be looking at upgrading that station and decide if they should do that or hook up to Conklin and get water from Conklin if they need it instead of Binghamton where it won't cost the same. He said he wouldn't think Conklin would charge us or vice versa, in the case of an emergency. He said with Binghamton, Kirkwood has to notify them when they are going to do it. They record it and charge per gallon. Councilman Grubham questioned if Kirkwood wouldn't have to pay Conklin for water if they have to use it. John said he doesn't see why they would charge if it's an emergency. Supervisor Kniffen said if it's an emergency he doesn't think anyone would be charging the other town. He said in regard to long term, Kirkwood could probably supply Conklin with water longer than they could supply us. He said this really benefits Conklin more than Kirkwood. He said it is his understanding that currently the shared cost would be \$66,000, or \$33,000 for each town. This would have to go to bid. Councilman Grubham said it was his understanding Conklin didn't want to do this before and Councilman Diffendorf agreed. Ray Coolbaugh said that was actually when it was going to go across the bridges at Frito Lay and it was quite a bit more expensive. John said that was about \$150,000. This one will cross at where the creek right here comes out to the river. There was enough gravel at the base of the creek so that last week you could walk three quarters of the way out into the river. The company that came out said that would be an ideal place because when they are going under the river they like to send out their instruments to see the depth and location of where the line is and with that being exposed three quarters of the way they could

# TOWN OF KIRKWOOD WORK SESSION

**August 2, 2016**

walk up there. Any other place they would have to get in a boat and try to anchor off and try to find it. The one by Frito Lay would definitely have to have something in the water there because it is quite a bit deeper at that location. Supervisor Kniffen said he received a call from Conklin Supervisor, Jim Finch, who said they are all set to go and he is hoping that Kirkwood will go along with it. Councilman Weingartner said he had a discussion with Jim Finch as well, and to him it seems like they need it a lot more than Kirkwood needs it. It would seem instead of an even split of expenses it should be more of an expense for them. Councilman Grubham said the Dick's situation might have changed things and he questioned if this is the total cost of the project. John said there would also be about \$2,900 for engineering fees and a path has to be cleared to get down to the creek so they can set up their machine. He said according to Glen Robbins at the most that would cost \$5,000. John explained how the line would be run. Noting that Councilman Grubham brought up about Dick's, Supervisor Kniffen said he doesn't see this as a long term relationship of Kirkwood supplying water forever and ever because they got a new business coming in there. He said he looks at this as an emergency situation. He questioned John if that is what they are looking for, if Kirkwood has enough water. John said yes, then they would obviously sell it to them. Councilman Diffendorf said if that is the case, Kirkwood would want Conklin to put their line into ours and they would pay for it. He said Kirkwood really needs to maintain the line from Binghamton so when they talk about this with Conklin it is a benefit to them since Kirkwood does have water. Supervisor Kniffen said he will discuss this at length with Jim Finch and get additional information. He said they should keep the pump station on Upper Court Street alive. It was noted that the station is right at the city line. Supervisor Kniffen said there is \$193,000 in the reserve fund and \$60,000 in the capital improvement fund. It certainly looks like there is the money to do this but they certainly want to take care of their own house. Ray Coolbaugh added that they pay a connection fee each year of about \$240. Councilman Weingartner said if Conklin really needs the water they could pay for the line and the money Kirkwood would save could be used to fix the pump station.

## 10. Discussion – Hydrant Permits/Fees. (LCG)

Councilman Grubham said in talking with John Finch he found out they've had a form to be filled out for hydrant permits which doesn't match up with what the Board decided so there needs to be some rewording. This will then match up more to the form for the hydrant permit they have been issuing. It just cleans up the language to make it fit everything. There was a question as to how they were charging for the tankers and the intention was so much per load, not just one load, because some pools may be one load but others may be two or three loads. This will clean that up as well. He said "a." is if the person themselves or someone else is connecting to the hydrant to fill something, and "b." is for commercial and industrial uses. Supervisor Kniffen clarified that residential use includes a direct permit by a resident or indirect by a third party transporting water to a residence. Resolution.

**TOWN OF KIRKWOOD  
WORK SESSION**

**August 2, 2016**

11. Discussion – Temporary Signs – Amend the Building Code Fee Schedule - \$35.00.

The Town Clerk noted that the Zoning Local Law was recently amended to reflect the change in the cost of a temporary political signs but the Building Code Fee Schedule was not updated. Resolution.

12. Resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue license for the following mobile home – trailer park, such license is for the years 2015 and 2016:  
Kirkwood Mobile Home Park, 41 Loughlin Road, Binghamton, NY 13904  
Owner: Morgan Management, LLC

Resolution.

13. Resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue license for the following mobile home – trailer park, such license is for the years 2012, 2013, 2014, 2015, and 2016:  
Quilty Hill Mobile Home Park, 49 Quilty Hill Road, Kirkwood, NY 13795  
Owner: Charles C. Tai

Resolution.

14. Resignation Letters – Board of Assessment Review  
Donald Domurad – Member  
Duane Travis – Member  
Mary Kay Sullivan – Secretary

Supervisor Kniffen said these positions will be advertised for. Resolution.

15. Resolution appointing James Nieves as MEO Heavy effective August 3, 2016 at a rate of pay of \$16.00 per hour. (RJC)

Ray Coolbaugh reported that after placing an ad in the paper for this position they had 13 applications and interviewed 5 of the applicants. They would like to hire Jim Nieves who has had plenty of experience and is a town resident living on Colesville Rd. He added that Jim seems to be really energetic and ready to do to work. Resolution.

**TOWN OF KIRKWOOD  
WORK SESSION**

**August 2, 2016**

16. Discussion – Hire Jake Tutko to complete Nick Geiger’s 90 day term. Nick’s last day is September 2, 2016. Jake would start on September 6, 2016 at a pay rate of \$10.64 an hour and ending on September 16, 2016.  
(RJC)

Ray explained Nick Geiger’s last day is September 2<sup>nd</sup> and he would like to bring Jake Tutko in to help Tim finish up Nick’s 90 days. They have to be done by the end of September so Jake will only work about 2 weeks. Resolution.

17. Discussion – Update on 2002 Volvo truck with Auction International.  
(RJC)

Ray Coolbaugh reminded the Board that he received approval to put this truck on Auction International. He said it was for 14 days and it only brought a bid of \$10,000. He rejected the bid. He said he will keep the truck and use it as a beater truck before they will give it away for \$10,000. Auction International said they will put it back on in September for another 14 days because it is closer to winter and it might bring more money. If it doesn’t go then Broome County is having their auction the end of September and they will take it there. He feels it is worth \$35,000 to \$40,000.

18. Discussion – Prices for paving Town Hall parking lot. (RJC)

Ray Coolbaugh said he got a price of \$15,298.10 from Broome Bituminous for the entire project of paving the town hall parking lot. The blacktop alone would be \$9,533.10. The milling would be of the edges so there isn’t a lip at the sidewalks. Councilman Grubham said sooner or later this needs to be done and he doesn’t know if the price of oil will ever be cheaper. Councilman Diffendorf said he thinks it’s a good opportunity to get it done.  
Resolution.

19. Discussion – Drain in shop. (RJC)

Ray Coolbaugh reported that Councilman Diffendorf was conducting a safety meeting and one of the guys brought up the issue with the drain in the shop which needs to be replaced. He said it is 75 feet long and he had John Mastronardi look at it. They will have to jack hammer it out and put a poly grate in with a steel top – 10 ½” wide at the top and 7 ½ “ wide at the bottom. He said it drains to a dry well and then the water goes to the sewer and will connect inside the building. He will have a price for the next meeting. Councilman Diffendorf said they have to do something with it because the drains are all uneven and the concrete is chipped, and it is a safety hazard. It’s in an area where you shouldn’t have to look at the floor when you are walking.

20. Audit of Claims.

Resolution.