

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

November 6, 2017

A regular meeting of the Kirkwood Town Board was held on November 6, 2017 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: Brady Begeal, Attorney
Gayle Diffendorf, Town Clerk
John Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

October 3, 2017 Town Board Meeting and October 31, 2017 Public Hearing

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Councilwoman Yonchuk reminded everyone that election day is tomorrow and they should turn the ballot over to vote on 3 propositions. Supervisor Kniffen added that every 20 years it is up to the people whether or not they want to reconvene a committee to hold a State Constitutional Convention to consider changes or amendments to the Constitution and this is the year it is on the ballot.

OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, Adopting Annual Budget for 2018, in accordance with the attached resolution. Councilman Diffendorf seconded.

Discussion: Supervisor Kniffen stated that a public hearing was held last week. He said that the increase in the 2018 budget will be 1 ½ cents per thousand of assessed valuation and that we continued to meet the tax cap which is not only good for the taxpayers but also helps us be a candidate for rebate checks. He noted that so far Kirkwood residents have received all rebates that have been available.

150-17
Adopt 2108
Budget

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 the Supervisor to enter into a Collective Bargaining Agreement with Teamsters Local 317 of the International Brotherhood of Teamsters, in accordance with the attached agreement. Councilman Grubham seconded.

151-17
Teamsters
3-year
Agreement

Discussion: As a review, Supervisor Kniffen said the highway employees are members of the Teamsters Union. The current 2-year agreement expires at the end of this year and negotiations that began in August have just concluded. Employees will receive a pay increase of 50 cents an hour with the new agreement. Under the current agreement the employee contribution to health insurance is 9%, and with the new 3-year agreement it will go up 1% each year, 10%, 11% and 12%. Supervisor Kniffen noted that whatever the union workers get, non-union workers get as well. He said in the previous negotiations the Town's insurance coverage was better than the Teamsters, as well as being the least costly. This time around the Teamsters was better, but at the beginning of negotiations the union workers wanted to stay with the Town's insurance, although not only does it save the

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Town money (about \$50,000), it saves the employees money. Another positive is the Teamsters will allow 7 non-union employees to enroll in their health insurance along with the 6 union members. The rest of the employees will remain on the Town's Excellus program.

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

MOTION CARRIED.

152-17
Loader –
Lease
Purchase
Agreement

Councilman Grubham moved to adopt resolution authorizing the Supervisor to enter into a Municipal Lease Purchase Agreement for a new loader, in accordance with the attached agreement. Councilman Weingartner seconded.

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

MOTION CARRIED.

153-17
Ratify
Transfer
Pump
Purchase
Authorization

Councilman Weingartner moved to adopt resolution ratifying a resolution authorizing the purchase and installation of a Transfer Pump for Well 3 at a cost not to exceed \$12,750. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

154-17
Replacement
Of Clear Well
Pump, etc.

Councilwoman Yonchuk moved to adopt resolution ratifying a resolution authorizing the replacement of the Clear Well Pump, cutting a hole in the roof and installing a hatch, and cleaning the clear well at a cost not to exceed \$17,000. Councilman Diffendorf seconded.

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

MOTION CARRIED.

155-17
C. Moran
Attend Peace
Officer
Course
HELD

Councilman Diffendorf moved to adopt resolution authorizing Chad Moran to attend the 2018 Peace Officer Basic Course, December 18, 2017 – January 26, 2018, times to be determined, at a cost of \$250 for the course fee and any additional fees that apply for course materials and uniforms. Councilman Grubham seconded.

Discussion: Council members noted a concern that there is a cost involved with this. Supervisor Kniffen said he did not know that until after the meeting. He added this course will not make Chad a Peace Officer but he would have the training if the Board decided to proceed with it. A concern was also noted about the additional fees for course materials and uniforms. Supervisor Kniffen said he instructed Chad to come back with information for the Board after taking the course and then if we wanted to do it the additional fees would kick in. Councilman Grubham questioned what the benefit would be to the Town if Chad does this and questioned what a Peace Officer actually does. He questioned if the Town would become responsible for whatever the Peace Officer does and if we have insurance for any issues that may be involved. Mr. Begeal said although Chad would be qualified as a Peace Officer, the Town wouldn't necessarily be appointing him as a Peace Officer of the Town. It just means he would now have the qualifications to meet that requirement. He said he does know it would mean Chad could carry a weapon and possibly make some type of arrests. He said he would have to look into the Town's responsibility. Since there are numerous questions and concerns in this regard the Board decided to hold this until the work session on November 28th. **HELD.**

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Councilman Grubham moved to adopt resolution acknowledging that the calendar year 2016 internal audit of the Justice Court records and dockets were examined by Budget Director, James Smith, and the fines therein collected have been turned over to the proper officials of the Town as required by law, pursuant to Section 2019-a of the Uniform Justice Court Act, in accordance with the attached report dated August 31, 2017. Councilman Weingartner seconded.

156-17
Justice Court
Internal Audit

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 November 28, 2017 at 6:00 PM on the Year 2018 Water & Sewer Budget. Councilwoman Yonchuk seconded.

157-17
Sched PH
2018 W&S
Budget

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 scheduling a Public Hearing for November 28, 2017 at 6:05 PM on the Year 2018 Fire Contracts. Councilman Diffendorf seconded.

158-17
Sched. PH
2018
Fire Contracts

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 scheduling Public Hearing for November 28, 2017 at 6:10 PM regarding Property Tax Exemption Law for Volunteer Firefighters. Councilman Grubham seconded.

159-17
Sched. PH
Firefighters
Tax Exemp.

Discussion: Supervisor Kniffen said we sincerely appreciate the volunteer fire fighters, but anything we can do for them is very limited. If this passes, active volunteer fire fighters would receive a discount of about \$30 off their town tax, not school or county. It's not a lot, but hopefully it is an expression of the Board's and Town's approval and appreciation for all that they do.

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, 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 year 2018:

160-17
Issue Quilty
Hill Mobile
Home Lic.

Quilty Hill Mobile Home Park, 49 Quilty Hill Road, Kirkwood, NY 13795.

Councilman Weingartner seconded.

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

MOTION CARRIED.

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161-17
Transfer
Funds

Councilman Weingartner moved to adopt resolution authorizing the Transfer of Funds, in accordance with the attached Budget Adjustment Sheet. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

162-17
Amend
Benefit Plan

Councilwoman Yonchuk moved to adopt resolution amending the Town of Kirkwood Benefit Plan regarding health insurance contributions for certain elected officials, in accordance with the attached Benefit Plan. Councilman Diffendorf seconded.

Discussion: Supervisor Kniffen explained that when employees began contributing towards their health insurance it was decided that certain employees and all elected officials would pay 50% more than the other employees. In that category there are two positions, Highway Superintendent and Town Clerk that were included in the additional 50% category. He said those 2 elected positions are full time whereas the others are part time. After discussing it last week the Board decided it would be the right thing to have the contribution of those 2 positions be the same as any other active employee.

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

MOTION CARRIED.

163-17
Audit/Pay

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 3, 2017, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Grubham seconded.

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

MOTION CARRIED.

OTHER:

HOLIDAY BANNERS.

Councilman Grubham questioned what the Town's cost would be for the banners that were discussed at the last meeting. Supervisor Kniffen said the Town will pay \$385 for a "Welcome To Kirkwood" banner. For additional banners the cost is \$200 for a 2-sided banner and \$185 for the bracket (which would be a non-recurring cost). Since the banners are 2-sided, with different messages/graphics on each side, the cost could be split between whoever sponsors them. Supervisor said they originally were looking at holiday lights but NYSEG no longer allows that, although towns that already have them are grandfathered in. He said John Finch has been working with Robbins Signs on this and it's been carried over to the Hometown Christmas program and beautification. He said they plan on starting on Crescent on any poles that have a light. The "Welcome" sign will be on the first pole on Francis coming off the highway. He said a number of businesses have already shown interest and anyone can purchase a banner, even families. John said there are a total of 27 poles, 17 with lights. Signs will actually be ordered and purchased by the business, organization, etc., the Town will not be involved in that. He said most likely the Town will put them up. They will be up for about 3 months during the holiday season and then stored in the basement of the post office building. It will depend on the weather as to how long the banners last. Councilman Grubham noted a concern with issues that might arise

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with someone else buying a banner and if the Town is responsible for them, noting they should be secure when taken down. Supervisor Kniffen said there would be no problem with anyone taking their banner if they want to. He added there are a number of choices as to what holiday related message or graphic can be put on a banner. Councilwoman Yonchuk questioned about banners for the village of Kirkwood. Supervisor Kniffen said we chose this area to start since it is the center of population but other areas can be considered as well. John added this area is the heart of Hometown Christmas. It was clarified that businesses or families that purchase a banner can have their name on it. Councilman Grubham added that he is in agreement with this, but he wants to make sure we control everything right so there are no problems.

In regard to banners for the village, Supervisor Kniffen said if anyone from that area wants to do it they would be provided the same service that we are providing here. Councilwoman Yonchuk requested that when this is publicized that the village be notified as well. Supervisor Kniffen said so far we have just been contacting the businesses and others are finding out by word of mouth. John said there will be something in The Country Courier this week.

After discussing concerns about ownership of the banners and brackets, the suggestion was made that they be offered on a donation basis. Councilman Weingartner said he likes that idea and then the Town would have total control. He compared this with someone buying a brick with their name on it for a new building. Even though they are paying for the brick they can't have the brick back. It would be considered a donation to make the Town look nicer. Mr. Begeal said that either a simple document be drafted for people to sign in this regard so there are no misunderstandings, or it could be handled by a detailed written resolution. Councilman Grubham said he thinks it should be made clear what the people will be getting for their money. Mr. Blaise will be asked to provide a simple form and resolution for the next meeting.

TEXAS TRAGEDY.

Councilwoman Yonchuk asked that everyone keep the victims and their families of the terrible tragedy in Sutherland Springs, Texas in their thoughts.

VERNON DRIVE WATER SERVICE.

John Finch reported there are 3 houses on Vernon Drive and some years ago a water service was paid for by the residents in the middle house, running the water line from the main to their house. The last house on Vernon received a grant to run water because their well is in bad shape. There was a water line put in there today and it was tied into the existing line for the middle house. When they dug it up they found that a well pipe had been put in (late 1980's) instead of the water lines we require. The life expectancy of a well pipe is not as long as our new plastic lines. He said he spoke with Mr. Blaise about taking over that main since now we have 2 people on it and the first house is looking at possibly hooking up to the same line also. He said he would be leery of having 3 people on the old well pipe which is definitely in need of replacement. He thinks the Town should take the line over that runs up the shoulder of the road to each of the curb boxes in place for these houses due to the fact that this line is going to fail sooner or later and now that we have another person hooked up to the line there's going to be an issue of whose responsibility it will be to fix it. He said it's definitely not a good idea to have that much pressure on that line. John said that Bob Hamm extended the line for the last house. Councilman Diffendorf said that's good because that it not the Town's line, that the Town's line is down on Route 11. He said he does not think we have any obligation regarding that line and if those people want that they should come to us. John said because of the location of the current line, he recommended tying into that and he would look into seeing if the Board would be willing to take over the line that runs along the front of their houses because of the fact that it will be an issue sooner or later. He said we could replace that line ourselves with a 1-inch line that could handle all 3 houses without any problem. After additional discussion Councilman Grubham suggested that John provide a drawing of what he is talking about and an estimate of the cost to give everyone a better idea of what is going on here.

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BIDS FOR ELECTRONIC SIGN BOARD.

Supervisor Kniffen reported that we have the specs for the electronic sign board and the estimate for the cost is \$25,000 to \$26,000 installed. This comes under public works and sealed bids are required for anything over \$20,000. He said New York State raised the threshold to \$35,000 for the sealed bid requirement but in the past, when the bid process was simplified, the Board decided to stay with \$20,000. Board members said they still want to keep it at \$20,000.

164-17
Bids for
Electronic
Sign Board

Councilwoman Yonchuk moved to adopt resolution authorizing advertising for Seal Bids for an Electronic Sign Board, with bids returnable to the Town Clerk's Office on November 28, 2017 at 4:00 PM, to be publically opened and read at the 6:00 PM Work Session meeting. Councilman Diffendorf seconded.

Discussion: John said the presentation and specs were received from Robbins Signs. Mr. Begeal noted that the specs have to be generic. It was noted that training would be provided for in-house maintenance of the sign.

Roll Call Vote:

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|------------------------|-------|
| Councilman Weingartner | - yes |
| Councilman Grubham | - yes |
| Councilwoman Yonchuk | - yes |
| Councilman Diffendorf | - yes |
| Supervisor Kniffen | - yes |

MOTION CARRIED.

HINER RD.

John Finch said Hiner Road is co-owned by the City of Binghamton and the Town of Kirkwood, with 90% being in Binghamton. He said for 8 or more years we have been maintaining the road as far as ditching, pipes, trimming trees, patching, etc. He said when his father was here there was an agreement that every 3 years the City would alternate on the maintenance. John said he came up with a different plan with the City, the plan being that we would plow and sand the road in the winter as long as the City would maintain the ditches, pipes and trim the trees every year. In regard to patching and paving the road, each municipality would maintain their own section. He spoke with Bernice St. Clair of the Binghamton Highway Department and she didn't seem to have a problem with that. He said in the City's agreement, they are going to maintain the ditches and the trees the full length of Hiner and we want to include that they would maintain the sluice pipes because they can be an issue. John said the City is going to look into that and get back to him. He said we plow other roads in that area so we are up there anyway and we've always plowed that road but the problem is in the summer trying to maintain the road with all the other roads we have to maintain. He thinks this is a fair trade. He did note that the ditches are quite an issue because during heavy rains there are a lot of washouts on the road. He said it definitely will be a savings as well as a shared services agreement with the City. John according to Mr. Blaise the City's agreement looks good as long as they include the part about the sluice pipes and he can present it to the Board for review at the next work session. John added he is hoping they might even have Mayor David's signature by that time. John explained exactly what part of the road is in Kirkwood. Councilman Diffendorf said this sounds like a good agreement but in the past the City has not done their part because they don't have that many residents there, it's a dead-end road, etc. John said that's why he wants to get this in writing since the ones in the past have all been verbal. In response to Mr. Begeal, John said there is no specified date for termination of the agreement, it would only end at the request of either municipality.

ADJOURNMENT:

Councilman Weingartner moved to adopt resolution to adjourn the meeting. Councilman Diffendorf seconded.

Meeting adjourned at 7:02 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk