

**TOWN OF KIRKWOOD
WORK SESSION**

November 28, 2017

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 A. Finch, Jr., Commissioner of Public Works
James Smith, Budget Officer
Marchie Diffendorf, Planning Board Chairman

1. Bid Opening – Electronic sign board.

Alpine Systems	\$31,869.00
Marchuska Brothers Construction	\$34,100.00
Robbins Signs	\$25,750.00

Resolution.

2. Discussion – Justice annual meeting. (GEK)

Supervisor Kniffen explained that our current policy authorizes one of the Town’s justices to attend education conferences around the State every other year. He said according to Justice Coe they really get a lot out of meeting with other justices at these conferences and he is suggesting that one of our justices go each year. Supervisor Kniffen said he thinks part of this is paid for by the judicial system. Councilman Weingartner said he likes the idea of them going alternating years, that it would be a way for them to get good ideas. Councilwoman Yonchuk said both of them would be getting information every other year. Councilman Grubham initiated the thought with agreement from other Board members that the judges should supply written reports after they attend a conference because it would be good for the public to know what they learned. Resolution.

3. Discussion – Spectrum Non-Disclosure Agreement. (GEK)

Supervisor Kniffen explained this involves broadband expansion which NYS has set aside money for. When Spectrum took over for Time Warner they were required to add 145,000 homes. Now we can go to a website to find out if the roads we have been suggesting to add to their service are included. In addition, their representative will meet with us and tell us directly what the plans are. However, that doesn’t mean that it is definite so Supervisor Kniffen said he thinks that’s the reason they want us to sign the Non-Disclosure Agreement. He needs the Boards approval for this. Councilman Diffendorf noted that signing a non-disclosure statement is forever so he is concerned we might find out something confidential at the meeting but couldn’t talk about it. Supervisor Kniffen said this is a short term non-disclosure, that at some

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point they are going to do whatever they're going to do and it will be the end until possibly sometime in the future if they do more expansion. Councilman Diffendorf questioned what Spectrum's concern is that they wouldn't want us talking about. Supervisor Kniffen said although it may be good news, it isn't for sure because Spectrum hasn't finalized their plans and they don't want to share this with us and say six months down the road something happens and what they tell us today doesn't happen. They wouldn't want to get any bad press but want to share with us because we've been a squeaky wheel about trying to get something done. He said he doesn't think this will involve any secrets about their technology or anything like that. Mr. Blaise said it would be like if they say they are adding certain roads and we tell everyone and then they don't add all of them. He said he thinks they are trying to keep us from getting ahead of them in what they actually ultimately end up doing. They have to spend so much money on expansion and when they spend all that money the program is over. It is in phase 3 right now. Resolution.

4. Discussion – 2018 Peace Officer Basic Course – Chad Moran. (GEK)

After talking with Mr. Blaise about this, Supervisor Kniffen explained that to become a Peace Officer you have to become a Constable first. He said we have had a Constable in the past, someone who can serve summonses, etc. He said if we don't think we need a Constable then we won't need a Peace Officer, adding that there were concerns about the cost and carrying a gun, etc. He asked the Board members if they think we need a Constable and no one suggested that we do.

5. Discussion – Paid Family Leave Act. (GEK)

Supervisor Kniffen said this is something New York State came up with that will go into effect January 1, 2018. The employees would contribute 1 ¼% of their salary. Mr. Blaise said it is NYS short term disability and he believes it is capped at \$170 a week. Supervisor Kniffen said this is an extension to NYS disability which we already provide. Since we are doing that, Mr. Blaise said if we don't want to provide family leave we have to advise the Workers Comp Board, which administers the NYS disability program, that we are opting out by December 1st. If we want to opt in we also have to advise the Comp Board, and if there is a union, the union basically can compel the employer to opt in by making it subjective to collective bargaining. Supervisor Kniffen clarified that the Town can opt in at any time.

Supervisor Kniffen discussed this with Mr. Smith and said our feeling is that we not join at this time and see how it works and take another look at it after a year. There is no cost to the Town, only the employee. It works the same as disability, which does not cost the Town either.

In regard to what family leave is, Mr. Blaise said if you have a qualifying family member, a child, parent, parent in-law, grandparent, grandchild, spouse or domestic partner, you can take time off and you would receive partial pay depending on what is covered under the policy.

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You would be entitled to take it and your job would be protected. Mr. Blaise said if the Town joins it would be managed through our insurance company just like disability is. Councilman Grubham questioned how it gets funded. Mr. Blaise said it is generated by a fraction of the employees' pay. It's shared by everyone. Mr. Blaise will see that the Comp Board is informed of what the Town intends to do.

6. Discussion – Vernon Drive water service. (JAF)

John Finch provided a drawing of what the plan is if we install a new water line for Vernon Drive. He said the current line is 1 inch well piping and it is not recommended for our water service. He said a letter was received from the last house on the road asking the Board to consider taking over the line. John provided cost estimates for the project for a total of \$2,100. He said most of the project can be done with our backhoe but because of a tree issue at the second house we would need to rent an excavator for a day. John said he did not include the cost of labor because his guys work at whatever needs to be done and explained the specifics of the project.

John said he is not sure if this is located in our water district, but most likely it's not. Mr. Blaise said we would have to expand the district because otherwise they would be outside users and be charged more. He said this will be an involved process because the water district will have to be expanded and permanent easements will need to be in place for future work that may need to be done. Councilman Diffendorf said all three owners need to be made aware of the cost of water usage and the unit fee. John said if we decide to add these houses to the district, then the district will pay the \$2,100, since all the districts are consolidated. He said the owner of the first house has not committed but her well is bad so he does not see why she wouldn't want to hook up to town water. Councilman Diffendorf said she wouldn't have to hook up if she didn't want to but she would still have to pay the unit charge.

Since the Board wants to proceed with this project, although it can't be done until spring, Mr. Blaise said the background work can be started on expanding the district and working on the easements.

7. Discussion – Sale of town equipment. (JAF)

John Finch provided an update on the sale of town equipment. He said although Windsor was originally interested in buying a town truck for \$14,000 they changed their mind, but he did sell it on the Auctions International website for \$25,100. He said to date with all the sales of equipment from Auctions International and the sale to Windsor of another truck, we brought back in \$117,600.

8. Discussion – Water Treatment Plant licenses. (JAF)

John Finch noted that awhile back we discussed the pay raises for the water treatment plant licenses, including Grade C, Grade D and the water treatment plant Grade 2-B licenses. At that

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time it was decided for any type of certificate the raise would be 39 cents an hour. Recently he talked with Tom Delamarter from Conklin who said his employee just got certified at Grade 2-B and a water distribution license, and for water distribution he received a 40 cent raise and for the water treatment plant license he received a 60 cent raise. In comparing the different raises, John said water distribution is an important job and involves anything to do with the water lines, valves, hydrants, any part of the distribution system. The Grade 2-B is for the plant operation which is the heart and soul of the water department and it comes with a huge amount of responsibility. If something happens when the Grade 2-B operator is operating that plant, such as if some gets sick or there's a fatality, he is responsible for whatever happened. So that is why Conklin decided to go with a bigger raise for that. He said Kirkwood is comparable to Conklin in the size of the treatment plant so he thinks we should reconsider the raises for those licenses. He said this is a multi-million dollar facility and there is a lot of responsibility and added there are not a lot of water treatment plant operators out there anymore. As of January both Alan Glover and Brian Kinney will have the following licenses: Grade 2-B, Grade C and Grade D.

Councilman Weingartner noted a concern. He said he understands the responsibility, but it's not like they are paying for the course to be certified, that the Town pays \$500 for the course. John said when Brian took the Grade C course, he took the 2-B class as well which saved the Town \$500. He said the raise would only be for anything from this time going forward. John said although Brian took the courses he has to be at the facility for a year, which will be January 3, 2018, at which time he will qualify for both the raises. So if the Board approves this, in January Brian would get a \$1.00 increase instead of 78 cents. Supervisor Kniffen questioned if there would be an adjustment for Alan who already has the licenses. Alan said he got 39 cents.

Councilwoman Yonchuk questioned what the base pay would be for anyone else that might replace one of the current employees, especially someone that already has these licenses. John said it would be based on experience. Councilman Weingartner suggested that we research this when a position opens up in the future. Councilman Diffendorf asked if anything will be done for Alan who already has these licenses and will be doing the same job. John said this was not the policy at that time. Councilman Grubham said when you consider some of these raises it always seems like someone gets hurt and we should think about this. Although some Board members were hesitant, everyone agreed to the increase. Resolution.

9. Discussion – Agreement for the Expenditure of Highway Moneys. (JAF)
John Finch said he is basically paving the remaining roads in Highland Heights - Victoria, North Woodhill, Gar-Glen, Diane and Valley View. He said he will use CHIPS money and the permanent improvement line. The plan is to mill Victoria and North Woodhill. He said Victoria Drive is cracking quite severely and it will crack again in a few years if we put pavement over it. He said the milling machine costs \$5,000 a day and they can do Victoria and North Woodhill in two days and it will prevent cracking for quite a bit longer. John said

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Victoria is a heavily travelled road and was repaved at least twice. Councilman Grubham questioned why we would only do roads in Highland Heights and not other roads in need. John said since we are doing the bonding project of 10 miles of roads next year, he will work on the developments with CHIPS money and permanent improvements. He said there are roads in the development in Five Mile Point that need work but there is a lot of drainage work that needs to be done before we can do any paving there. John said all the roads in the Bell School area are paved. Councilman Grubham suggested we mill the other roads in Highland Heights as well which would eliminate the concern of big drop offs on the side of the roads which happens after they've been paved a number of times and it is not a safe situation. John did note we will be taking care of that issue with the roads involved with the bonding project. He said they can mill about $\frac{3}{4}$ mile in a day. Councilman Grubham said they could mill the others roads for an additional \$5,000 and he thinks it would be money well spent and would save having to fix the shoulders.

In response to Councilman Grubham, John said they plan on milling Barlow Road 2 inches and putting 2 inches back at a cost of about \$58,000, which would be part of the bond. Resolution.

10. Discussion – Resolution Authorizing the Commissioner of Public Works to Expend Funds From the Equipment Reserve Fund of the Town of Kirkwood, Subject to Permissive Referendum, in accordance with the attached resolution.

Mr. Blaise explained this is a resolution to transfer funds out of the Equipment Reserve Fund to purchase the new Volvo truck and it is subject to permissive referendum. It was determined that this fund was actually set up by resolution with money being put in every year, clarifying that a permissive referendum is required. Resolution.

11. Resolution scheduling a Public Hearing for December 26, 2017 at 6:00 PM regarding the approval of the cable franchise agreement with Spectrum.
(ONB)

Since the Agreement is in place, Mr. Blaise said a public hearing needs to be scheduled
Resolution.

12. Discussion – Resolution to Proceed with a Multi-Phase Highway Repair and Replacement Project, in accordance with the attached resolution.
(ONB/JAF)

Mr. Blaise explained that Mr. Smith advised him that in order for DASNY, which is administering the \$400,000 grant for the road project, to release the funds to us, they want to see that we've got the funds available and ready to go. We're borrowing about \$1.4 million to do the project, but we can't borrow the money until we are ready to spend it. To please DASNY Mr. Blaise drafted a resolution that confirms we are going to go ahead with the road

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project, breaking out how we are going to pay for it: \$400,000 from the grant, \$1.4 million from bonding, and \$64,000 of our own materials and labor. Also, that we are going to hire Municipal Solutions and Hawkins, Delafield & Wood, which is the bonding firm that Municipal Solutions does business with, and they will start the process of putting the bond out to bid and Municipal Solutions will go nationally to get us the best rate, with Hawkins, Delafield starting the more complex bond work. This is a resolution that will hopefully show DASNY that we're progressing and will be back in touch with them soon to get their money. This is not the actual bond resolution. Resolution.

13. Budget Transfers.
Resolution.

14. Audit of Claims.
Resolution.

OTHER.

Kasmarcik Property.

Supervisor Kniffen reported that the Kasmarcik Property on Upper Court Street was demolished this morning. He said we were there along with the County Executive and our local legislator. He said it was a long battle and the Land Bank actually took care of it and it did not cost the Town anything.

Hometown Christmas.

Supervisor Kniffen reported that this Saturday our 3rd annual Hometown Christmas will be held. It is an all-day affair starting at 8 AM with a breakfast at Bell School, a 5K Run, and various activities throughout the day. There's a parade at 6:30 in the evening and a tree lighting. He said a post card was mailed to everyone to let them know the website to go to for specific information about events and times.

Christmas Banners.

Councilwoman Yonchuk questioned the status of the banners that will be hung on the utility poles. Mr. Blaise said he added language to an Order Form provided by Robbins Signs that states that people will be purchasing this as a donation to the Town, the Town owns the banner and the equipment and has the final say as to how the banners are placed and when. In regard to the hardware, Supervisor Kniffen said when someone buys the initial banner they pay for the hardware and it becomes the property of the Town. When the banner wears out and needs to be replaced and if the person that originally purchased it does not want to replace it but someone new does, they would be charged for hardware as well to build up a little surplus. Mr. Blaise said we want to avoid the Town having to pay for replacing any hardware in the future. Councilwoman Yonchuk asked how people were solicited to buy the banners. Supervisor Kniffen said by word of mouth, the Town's website, and Facebook – Hometown Happenings.

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He said the first banner has been put up on the first pole on Francis Street entering from Route 17 and this week more banners will be up on Crescent and Francis. John said they are focusing on this area first and if we get more people we may look at other locations. Councilman Diffendorf questioned if anyone such as Councilwoman Yonchuk purchased one, if she could have it put on a pole near her house. Supervisor Kniffen said we haven't discussed that. John said we have to get a permit every year from NYSEG for each pole we want to hang banners from and he gave them a list of the poles on Crescent and Francis that have lights to shine down on the banners. Supervisor Kniffen said the idea wasn't so much of having people get their name on it, but the idea was to have lights to create a holiday feeling, but NYSEG does not do that anymore so this was the next best thing. So the plan was to decorate downtown Kirkwood. Councilwoman Yonchuk said living out in the sticks is a disadvantage then. Supervisor Kniffen said if we get enough people we would do Stratmill Road. Councilwoman Yonchuk said she is upset about this, that she has had misgivings about the project because she personally thinks the village of Kirkwood gets ignored for a lot of things in Town and that is a population center as well. She added that we are using town personnel on town time to put these up in a very limited part of the town and she feels like it was presented as sort of a done deal, and we didn't vote on anything. Supervisor Kniffen said it's not costing the Town except in manpower and this is a holiday. In regard to the village, Supervisor Kniffen said he lived there a long time and we have our Town fair there as well as the annual Christmas Party for the kids. He said he would be all for a drive to get banners for the village. He said we had to start someplace and he thinks it's the holiday spirit and we try to do the best we can. He said this is about making the holiday season a little better for us in Kirkwood. He said other towns have lights and we are always like the railroad town and we are just trying to put ourselves on the map. In regard to Hometown Christmas, he said he and Katie Legg went on TV yesterday and spent about a half hour and they only put on about 30 seconds. Supervisor Kniffen said this is all about holiday spirit. Councilman Weingartner said it's not about Councilwoman Yonchuk having holiday spirit, he said Conklin has those type of signs also, pretty much along Conklin Road, and for us this is a starting point and maybe in the future this can be done in other areas such as the village that has a lot of light poles. Supervisor Kniffen said besides the banners it is a lot of work getting the Hometown Christmas together and he would certainly consider taking on other areas after Christmas to see if people in other areas would like to do it next year.