

**TOWN OF KIRKWOOD
WORK SESSION**

March 27, 2018

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
Marchie Diffendorf, Planning Bd. Chairman

1. Discussion – **Handicapped bathrooms.** (GEK/JAF)

Supervisor Kniffen reported that we now have handicapped bathrooms in the two parks in Five Mile Point as well as in Veterans River Park off Main St. John Finch noted that one will be added to Grange Hall Park as well.

2. Discussion – **Motel – Upper Court Street.** (GEK)

Supervisor Kniffen stated that the abandoned motel at the corner of Colesville Road and Route 11 has been an eyesore for many years. The owners finally forfeited their taxes and it is now owned by Broome County and they would like to sell it to Kirkwood for \$1.00. He said before we do that we want to make sure there's a way to remove the building. He said we've received a verbal estimate of \$200,000, noting we don't have that kind of money. Supervisor Kniffen wrote a letter today to Senator Akshar advising him of the situation and asking for his help, noting that the Senator has helped us with securing \$400,000 for the road project. In addition to that, Supervisor Kniffen said we can contact Strategic to see if there are any grants to help us out. He said the Land Bank does not have that kind of money, but if we could get a large portion of the money then they may be able to help out. He added that we are pleased to be on the road to hopefully getting rid of that eyesore, but for now it will stay there until we can figure this out.

3. Discussion – **Check valve at Water Treatment Plant.** (JAF)

John Finch explained there is a check valve at the water plant that is sticking. He said after we put in the new system pump we noticed a hammer in the system when it would shut off. He received two quotes to replace the check valve with W2O being the lowest at \$3,050. John said this is not in the budget since this happened after the budget was already adopted. Resolution.

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4. Discussion – Request from **John Finch to attend the 2018 Annual School for Highway Superintendents to be held at Ithaca College, June 4-6, 2018** at a cost of \$110, with all reasonable expenses paid. (JAF)

Resolution.

5. Discussion – Request from **Brian Kinney to attend the New York Rural Water Association’s 39th Annual Technical Training Workshop & Exhibition 2018** to be held May 21 – 23, 2018 at Turning Stone Resort at a cost of \$260, with all reasonable expenses paid. (JAF)

John Finch explained that this training used to be authorized for every other year just like the courts for their training but now that Brian has all the same qualifications that he has he is requesting that each year he and Brian be authorized to take turns attending as was recently authorized for the courts. He noted that Alan Glover would attend local training. Resolution.

6. Discussion – **Ladder for Main Sewer Station – Wet well.** (JAF)

John Finch stated that a price was received from C&C Welding to remove the existing circular stairs and replace them with a ladder system for \$10,000 more than what he had originally put in the budget when he estimated it would cost about \$15,000 to \$18,000 for the project. He explained that it’s a galvanized cage system and should last a long time. He said it won’t be as accessible to get down there but with the muffin monster in there we won’t have to go down there as much as we used to. He said we can still get everything we need in and out of the manhole. Resolution.

7. Discussion – **Kirkwood Main Sewer Station – Air handlers.** (JAF)

John Finch reported that the ventilation system in there now is not adequate, that there is one blower unit that ventilates both the wet well and the dry well side and the duct work is combined. He said we have to separate the duct work and put another blower unit in. The wet well needs all new duct work and that’s why the bid for the wet well is so much more than for the dry well. He added that there’s also a piece of cast iron pipe in the wet well that needs to be removed and replaced in addition to the proper ventilation and duct work. He said we have to do the wet well first because all the duct work is done on the dry well side and the blower is already attached to that duct work. There are more modifications to the wet well side but we have to address the ventilation because the State Dept. of Labor conducted an inspection last year and that was one of the violations. John said we have been trying to get prices but not many people want to do this kind of work and this is the first price we’ve been able to get. It was noted that this project will have to go out to bid. John said he budgeted \$12,000 but at that time we didn’t realize the cost for the duct work would bring the cost up so high. Although the State did set a deadline for the end of April for this to be completed, John said we have filed for extensions to get the numbers narrowed down. He will most likely have to file for another extension because it will probably be the end of summer before we can get the work done.

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John said the estimate for the wet well side is almost \$24,000. He added that the blower in the dry well side will work for now and he will put that in the budget for next year. Resolution.

Sewer Lines.

Councilman Grubham questioned if we know anything about the lines that go from the pump station to the Alice Street manhole, if we know where the valves are and what kind of shape the lines are in. John Finch said they are forced mains and he has located the manholes in the past at different locations along the river. It was noted that the lines are about 50 to 60 years old and Councilman Grubham questioned what would happen if there were failures on those lines and if we shouldn't be checking to see what kind of condition those lines are in. He added that there are valves that probably have never been exercised. He questioned if they could use a camera on them and check one line at a time, noting that they are cast iron pipe. John said he will look into which companies can do it and what options there are, if it can be done above ground or if we have to actually go in the pipes. He said there is more technology available now. John will provide a preliminary update at the April 3rd meeting.

8. Discussion – Highway Garage. (JAF/GEK/LCG)

Supervisor Kniffen explained that he, John Finch and Councilman Grubham have been working with the grant writers on this. He said one of the projects they gave them is the drainage problem at the highway garage and the flooding it causes. He said our engineer has been studying it and it could cost around \$150,000 to fix it. Then the discussion is if we are going to build a new garage on higher property do we still want to spend the money to fix the drainage issue. He said we've put a little money aside in the event we decide to go with a new highway garage, but not nearly enough. With this grant writing firm there are some projects we've put aside and maybe we will now want to look at to get some funding. He said a new garage would probably cost at least \$3 million and to overhaul the existing garage it would probably be close to \$1 million. Supervisor Kniffen opened it up to discussion as to whether we should consider the new garage or refurbish the existing one.

Councilman Diffendorf said \$3 million is a lot of money, too much he thinks, but added the garage has been flooded twice seriously and other times just some water.

Councilwoman Yonchuk questioned if the existing garage is structurally sound or if renovating it means we're actually going to rebuild. Councilman Grubham said if the decision is made to do something with that building, the main portion is structurally sound, but there are two additions on the end that he would suggest we consider getting rid of. He said we should maintain the basic building which is about 8,000 sq. ft., and with the additions it's about 10,000 sq. ft. If that is the way we decide to go he said we could add the 2,000 sq. ft. or more if the thought is we could afford it. The space in a new building would be about 22,600 sq. ft. He said 10,000 sq. ft. is adequate but it would be nice to have a little more space because some of the equipment is parked in other buildings now. In terms of grant funds being available, Councilwoman Yonchuk said there would be one kind of grant for a new building and another

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to refurbish the old one, and she feels it would be easier to get a grant to refurbish the existing garage than for a new one, especially since the building is still serviceable, noting that the grant writers would be able to tell us better about that. Councilman Grubham said he does not have a feel on how the grants would work, but the problem is for a \$3 million project if we didn't get a large amount of money from a grant it would be difficult because we would have to raise taxes. The hope would be that we could get that kind of money based on the fact that this has flooded. Councilman Grubham said it's hard to make a decision not knowing how much we might get. Councilwoman Yonchuk said the grant writers would be aware of what is available for new construction, reconstruction, flooding issues, etc. Since the property has flooded, Councilman Grubham said maybe there is more money available than we think.

In regard to the drainage problem, Supervisor Kniffen said his feeling is regardless of whether we build a new garage or fix the old one, we should fix the drainage. Councilman Grubham said that should be done because it affects some of the neighbors as well, and we are trying to get grant money for that too.

Councilman Weingartner said he likes new but he's seen some buildings that have been refurbished and some of them look brand new when they're done. If we can refurbish it and get the drainage issue fixed he thinks it might be a better way to go. He also agrees that the old additions should be removed and a new one added.

Supervisor Kniffen said in looking at paying back \$3 million for 30 years, not considering the interest, it would cost around 30 cents a thousand for the taxpayers. Councilman Grubham noted that in regard to the the \$3 million that the Town of Lafayette paid for a new garage, their average median income is \$20,000 higher per family than ours and the value of their houses is \$147,000 and ours is \$107,000, so that would be a little easier there than here on the taxpayers. Supervisor Kniffen added that since we've been flooded there twice we've done a lot of flood proofing to minimize flood issues, and possibly we could do some more things to make that garage look pretty good. Strategic will be asked for an estimate of what they think a grant would bring for a new town garage.

9. Discussion – **Replacing Truck 35.** (JAF)

John Finch said it would have been ideal to have Truck 35, which is a 2006 GMC 5500 with 72,680 miles, replaced at the latest in 2014, because in 2016 alone we spent \$20,500 on it to keep it running. This year we've spent another \$2,000 and it broke down during almost every storm we've had. He said it's time for that truck to be sold at the auction. He said we are looking for another F-550 with a 9' dump box, sander, 9' blow and Jjagwing, for an estimated cost of \$76,800. John said last year after winter storm Stella, FEMA helped with that storm and he received information today they are starting to send those reimbursement checks to the towns. We will get about \$41,000 from FEMA and we may potentially get something from the State as well, which would be about \$5,100. He said he would like to use the FEMA money towards the \$76,800 and he will take \$29,652 out of his equipment budget to purchase the truck

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with plows, the Jjagwing and the spreader. Supervisor Kniffen said we've already spent the money that FEMA will be reimbursing. John also provided a list of the trucks that need replacing. He said Truck 35 was next on his list to replace in 2019 but the way things are going it's not going to make it through this year much less to 2019. Councilman Diffendorf questioned John as to where the other \$5,000 will come from if not from the State. John said he still has enough money in his equipment line to cover that. He also mentioned that he will have the money from the sale of the old truck. Considering the amount of maintenance money we have been paying for the truck, Councilman Grubham said he is fine with this as long as we know where the money is coming from and it doesn't increase taxes. Resolution.

10. Discussion – **Summer Help.** (JAF)

John Finch explained that in the past we hire back and go through the process of hiring two people for the parks, and for the highway and water and sewer we had one person that would float between departments. He said typically in the past we've been posting the jobs and going through the interview process for all these part-time 90-day people. If we have good workers, he would like to hire them back each year instead of training someone new each year, it would be much easier. He said we've had Terry Everett in the parks for the past four or five years and he is a hard worker and works great with Tim Finch, so he would like to hire him back. John would also like to hire Austin Haskell back as a floater between highway and water and sewer, he said he's a great kid and did what he was told, and when he gets out of college for the summer he would know he has a job to come back to. Supervisor Kniffen questioned if we could hire people for three years for these positions, or something like that. Mr. Blaise said this could be done, we would just have to figure out the best way to word it. Supervisor Kniffen noted a concern that if we do it as John requests we wouldn't be conforming with our policy, since we wouldn't be advertising. Mr. Blaise said it's the Board's policy so it can be amended or exceptions made as the Board wishes. Supervisor Kniffen noted an additional concern if by doing this we would be denying someone an opportunity for a job that doesn't have one for the summer. John said these jobs pay \$12.83 an hour for 90 days. Councilwoman Yonchuk said she feels the concern with hiring five people on a 3-year probationary status and some are good and we want them back but some are not such good workers, is how that would be handled. She said she realizes this would be John's decision but she has a concern about it. Councilman Weingartner said he worked for Frito Lay in the summers and his job was there every year when he went back. He said if you worked hard the job was there, if not you weren't hired back. John said it's hard to find people to work for 90 days, let alone good workers. Councilman Weingartner said some high school kids might be able to handle it, but usually it would be college kids or someone that's retired. Supervisor Kniffen said John can hire someone and if they really work out well and they want to work the next year, he thinks we should just bring them back. Councilman Weingartner said he thinks that's the easiest way. Councilman Grubham said he thinks the spirit of our policy will be maintained because we did interview these people before hiring them, that they didn't quit the job, the job just ended.

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11. Resolution authorizing **hiring Joseph Barton as MEO Heavy**, effective April 16, 2018, at a rate of pay of \$17.95 per hour. (JAF)

After interviewing two people for the MEO Heavy position (two applicants did not show up) John Finch said he would like authorization to hire Joe Barton effective April 16, 2018 at \$17.95 per hour. Councilwoman Yonchuk questioned if he will move on if he finds something better. Councilman Grubham said Joe was asked that in the interview and he said no. Resolution.

12. Resolution authorizing **hiring Charlie Gee as Laborer** to work in the Highway Department effective April 16, 2018 for 90 days at a rate of pay of \$12.82 per hour. (JAF)

Resolution.

13. Discussion – **Planning Board Ad Hoc Member – Dan Wasson.**

Supervisor Kniffen noted that this position was advertised for with no response. Planning Board Chairman, Marchie Diffendorf, is recommending Dan Wasson. Resolution.

14. 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:

Kirkwood Mobile Home Court, LLC, 41 Loughlin Road, Binghamton, NY 13904

Owners: James and Charles Williamson

Resolution.

15. Resolution authorizing the **appointment of Coughlin & Gerhart, LLP**, as Attorneys for the Town of Kirkwood, to represent the Town in **tax certiorari proceedings**, including petitions, motions and appeals therefrom, filed by **HoltonB, LLC**, against the Town as work outside the scope of work contemplated by the legal services retainer agreement at an hourly rate of \$200.00, with payment request to be submitted by voucher, in accordance with the attached resolution. (ONB)

Mr. Blaise explained that there is an old assessment case that Mr. Kline was handling that has not been settled and he has been advised by the Court that they want to hold a conference about it, so the Board needs to appoint him to handle this. He said HoltonB filed a tax assessment challenge in 2013 or 2014 and now the Court wants to know what is being done with this. Mr.

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Blaise does not know what has happened with the years since then, so his thought is they didn't file, which is unusual. He said it's up to the plaintiff to push the case forward unless the Court wants to do it, which now is the case. Councilman Diffendorf questioned if this could have been settled when Dan was here. Mr. Blaise said if it was the proper paperwork wasn't filed and hopefully they will come in with the paperwork showing it was settled. Mr. Blaise noted this came to his attention through the Town's current Assessor, that the property is owned by Alan Pope and is a warehouse. Resolution.

16. Summer Schedule:

Resolution combining the June 26, 2018 Work Session and the July 3, 2018 Town Board Meeting into one night to be held June 26, 2018.

Resolution combining the July 31, 2018 Work Session and the August 7, 2018 Town Board Meeting into one night to be held August 7, 2018.

Resolution combining the August 28, 2018 Work Session and the September 4, 2018 Town Board Meeting into one night to be held September 4, 2018.

Resolutions.

17. Resolution cancelling the November 6, 2018 Town Board Meeting due to Election Day and rescheduling for Monday, November 5, 2018.

Resolution.

18. Resolution cancelling the December 25, 2018 Work Session due to Christmas and rescheduling for December 26, 2018.

Resolution.

19. Resolution scheduling a Special Town Board Meeting for December 26, 2018, after the Work Session, for the purpose of auditing year end bills and any other business that may come before the Board.

Resolution.

20. Resolution authorizing William J. Diffendorf, Jr. to attend the PERMA Schooling at the Sagamore Hotel in Bolton Landing, NY to be held May 24-25, 2018, with all reasonable expenses paid.

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Resolution.

21. Discussion – **Court Arraignment Program.** (GEK)

Mr. Blaise explained there is a program that the County has put in place whereby arraignments are being handled more and more out of the jail. If someone is arrested and brought to the jail in the Town of Dickinson they try to do the arraignments right there, trying to get them done within 12 hours. They are trying to expand this program by having more district attorneys and public defenders available to handle the arraignments when the arrestees are brought in and they need more money to set the program up and expand it. Currently judges from the various municipalities in Broome County take turns handling them. The County is asking for the support of the towns and Mr. Blaise said the towns he works with are in favor of this as long as they are not asked for the money. He said the County is looking at their own budget as well as the State for the money. The County asked the supervisors to sign a letter indicating whether they support it or at least take a neutral position.

In response to Councilman Grubham, Mr. Blaise said although it started with arraignments for those arrested after hours, his understanding is they want to expand it to all arraignments so they have a central place to bring people in, book them, have an attorney assigned and judges available, to streamline the whole process.

Supervisor Kniffen questioned if he signs a letter supporting this and it kicks in, if we would have an another opportunity to back out if it looks like it's going to cost Kirkwood too much money. Mr. Blaise said from his understanding it is not going to cost Kirkwood anything and Kirkwood is not going to lose any money because if the arrest was made in Kirkwood the case would come back to Kirkwood to be handled and disposed of. Mr. Blaise said the State Police would be involved with this as well. Councilman Diffendorf questioned what would happen if the judges don't volunteer to do this. Mr. Blaise responded they will have to take that up with the Magistrates Association, but the cover letter that came in with this was from them. Supervisor Kniffen noted that it actually gives the judges a break, they won't always be called out for these arraignments. Resolution.

Courts – Fine Money.

Supervisor Kniffen said there are 1,500 local courts in New York State and our court ranks about 50th, basically because of the network of highways located here. He said there was a time when the courts were bringing in enough revenue to pay their own way with some left over for the Town but now that's all changed because of how the State troopers police the main highways, they issue more tickets for speeding in the Town of Chenango so our revenues have been reduced. He said when we were talking about consolidating with the Town of Conklin, although that didn't go anywhere, we gathered a lot of data. According to the data, in other municipalities throughout the State in regard to all the fines they were bringing in, they were keeping 50% and the State was keeping 50%. However in Kirkwood we were keeping 25% and the State was getting 75% and something is wrong with that. We asked the question why

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that's happening and were told to contact the Comptroller's Office. We found out there are two things, criminal fines are classified in different ways, which is complex. However, the big thing we found out is that obviously most of our fines come out of Routes 81 and 17, which are NYS and Federal highways, and some time ago the NYS Legislature in Albany passed a law saying that for any fines on those highways 100% goes to NYS. He said we are one of the busiest courts and it costs us probably more to run courts than other municipalities that we looked at yet most of our volume is going to the State and we don't think that's right. We are asking the Senator's office to look into this and see what can be done. Supervisor Kniffen said it appalls him that the Legislature would pass such a thing basically saying you do the work and we'll take the money.

Think Differently Initiative.

Councilwoman Yonchuk explained that at our last session we talked about the Think Differently Initiative and some concerns were expressed about the wording and the intent. She said she met with a special education teacher as well as with someone who has a special needs person in their family and talked about recent terminology and movements in the field of individuals with special needs, discussing what some of the changing dynamics are. She re-worked the proposed resolution and provided a copy for everyone on the Board, asking for their opinion and input. Councilwoman Yonchuk added that she thinks it's an important initiative and it goes along with some of the things we're talking about doing in our parks.

Trivia Night.

For those that are trivia buffs and interested in trivia contests, Councilwoman Yonchuk announced that the PTO of the Windsor Palmer Elementary & Middle School is sponsoring a trivia night on April 14, 2018 at the Elks Club. There will be prizes and fund raisers and a dinner of three different kinds of pasta, salad, garlic rolls, etc. Anyone can enter as an individual or as a team. There is an entry fee which includes the dinner. She will have more information on this soon.

Ambulance Workers.

Mr. Blaise explained that Councilman Diffendorf asked a question at the last meeting about whether the Firefighters and Ambulance Workers Tax Exemption Local Law applies to ambulance workers that reside in the Town. After looking at the Law Mr. Blaise said that it would. The conditions are they have to be a resident of the Town and enrolled in a fire company or ambulance service. So if a member of an ambulance squad resides in the Town and it's their primary residence and their squad provides service in the Town and they are a volunteer they qualify. Supervisor Kniffen said we will notify the two fire companies about this but questioned how we would notify ambulance workers. Mr. Blaise suggested that the Assessor could send a letter to Broome Volunteer Ambulance Service.

22. Audit of Claims.

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Resolution.

23. Executive Session.

Councilwoman Yonchuk moved to adopt resolution to adjourn this meeting to conduct an Executive Session to discuss a matter relating to the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Councilman Diffendorf seconded. All voted in favor.
MOTION CARRIED.