

**TOWN OF KIRKWOOD  
WORK SESSION**

**December 26, 1028**

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  
James Smith, Budget Officer

**1. Discussion – Corporate Drive Station. (JAF)**

Mr. Finch stated as we discussed at the last meeting the check valves need to be replaced. A price of \$10,965 was received from W2O to replace both valves and \$6,500 from Jones Specialty Services Group to do the same work. We are waiting to get the pump in but we can't without the check valves. There are only two pumps in that station and one of them is down. The cost of the pump is \$8,500 so the total cost will be about \$15,000. I consider this an emergency due to the fact that there's only one pump there so I would like to get this done as soon as possible. Since it's an emergency we don't have to follow the Town's procurement policy. Jones will put the check valves in and Town employees will put the pump in.  
Resolution.

**2. Discussion – Purchase a 2019 Kubota L3301HST Tractor at New York State Contract Pricing of \$13,569.74. (JAF) (01/02/19)**

Mr. Finch said we put money in the 2019 budget for a new Kubota tractor for the Parks Department. The price went up by \$250 due to shipping charges. I got quotes from Kubota, Mahindra and New Holland and Kubota was the lowest and it comes under State contract.  
Resolution.

**3. Discussion – Temporary Easement – William F. Cady – 316 Bevier Street. (ONB) (12/26/18)**

Mr. Blaise said this is in regard to a temporary easement to allow Mr. Finch to get in there and do some work that Mr. Mastronardi scoped out as to what needed to be done. This is an agreement that the Board needs to ratify that Mr. Finch had signed on behalf of the Town to get into Popes Ravine. Mr. Finch explained that we want to put the trash rack in to prevent any debris from plugging that pipe again. In response to Councilman Diffendorf, Mr. Blaise said this easement is temporary but once this work is done his office will work on getting a permanent easement put in place so that once we get the trash rack in there we'll be able to get in there whenever we need to for upkeep. It was clarified that this is the pipe on Hiner where it goes under Krager.

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In regard to Hiner Road, Supervisor Kniffen said this was supposedly a temporary fix and questioned if we are going to do anything about a permanent fix. Mr. Finch said although DOT said they just wanted to get the road open, he thinks the temporary fix seems pretty permanent from what he can see but he's not sure how they're looking at this.

#### 4. **Discussion – Pending legislation proposing a study on the distribution of traffic fines.** (GEK)

Supervisor Kniffen explained this is about the fact that we take fines into our local court and we became aware that any fines for traffic violations on a state or federal road go 100 percent to NYS. Since we are located in a network of highways many of our fines would be on those highways so we questioned why that was. We incur the burden of cost to process the fines and yet we turn all the money over to NYS and it doesn't seem fair. We contacted Assemblyman Crouch and Senator Akshar about this and they submitted legislation to the Legislature in Albany to look at it and nothing was done in the first session. They will resubmit it in 2019. This is another example that they work hard and mean well but we have to do follow up to make sure things get done one way or the other.

Councilwoman Yonchuk said the Legislature didn't even look at the Bill and questioned if the Bill proposes a different formula or is it a Bill to look at a possible Bill. Supervisor Kniffen said basically that's the case, to look at a possible Bill.

#### 5. **Discussion – Grants.** (GEK)

Supervisor Kniffen said we submitted grants for the salt barn, drainage problem at the highway garage, the work we've done on the city line booster station and also a separate one for the all-inclusive playground project. We received a grant of \$90,000 for the \$180,000 drainage problem project, which is a 50/50 split. In regard to the salt barn, I know that's the one we would have preferred, but we are going to start a new grant year in February and the first time around we were part of the CFA which is NYS grants and they are only awarded in December so if we put one in now we would have to wait a whole year to see if we get it. We asked our grant writers if there are grants out there other than NYS grants which, if we apply, would come sooner. The salt barn is a high priority so I want to make sure we resubmit that grant. Supervisor Kniffen questioned Mr. Finch as to whether or not we can wait for another grant. Mr. Finch said it has been temporarily fixed and will hold for a while but it's not a permanent fix. Councilman Grubham said it will be fine if it is not misused like it has been in the past.

In regard to a grant for the Highland Heights water tank, Supervisor Kniffen responded to a question that we applied for a grant that was denied because of the median income in that area but we can take a look at it again.

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6. **Discussion – Ritter tax assessment case.** (ONB)  
(12/26/18)

Supervisor Kniffen said this is Mr. Ritter’s son who has property on Main Street in Kirkwood and is looking for his assessment to be reduced. Mr. Blaise said last summer Mr. Steven Ritter filed a case at Supreme Court challenging his assessment. Although I have not formally appeared for the Town, the Court notified me about a week ago that apparently he has filed the paperwork to move the case forward in Supreme Court so the Court has scheduled a meeting with the Judge sometime in January. Mr. Ritter is pushing the case forward and I haven’t been appointed to appear on behalf of the Town and I don’t know what paperwork he’s filed yet but I’ll know more at the meeting assuming the Board passes the resolution to appoint me.

**Ritter Property off Route 11.**

In regard to the Ritter property on Route 11 by the railroad tracks, Supervisor Kniffen reported that the green house, white house and two trailers will be demolished January 7<sup>th</sup> and 8<sup>th</sup>, starting at 9 AM on January 7<sup>th</sup>. This is finally going to happen and everyone is welcome to come and watch.

7. **Resolution authorizing Supervisor to enter into an agreement with Roger Studer d/b/a Studer’s Body Shop & Garage, in accordance with the attached agreement.**  
(01/02/19)

Resolution.

8. **Resolution authorizing Supervisor to enter into an agreement with Southern Tier Zoological Society, Inc., in accordance with the attached agreement.**  
(01/02/19)

It was noted that the Town gave out about 400 free passes to the Zoo in 2018. Resolution.

9. **Resolution reappointing Dan Wasson to the Planning Board for a term to expire December 31, 2023.**  
(12/26/18)

Resolution.

10. **Resolution reappointing Duane Travis to the Zoning Board of Appeals for a term to expire December 31, 2023.**  
(12/26/18)

Resolution.

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11. **Transfer of Funds.**  
(12/26/18)

Resolution.

12. Resolution authorizing the continuation of **petty cash for 2019**, subject to audit by the Budget Director, for the following departments at specified amounts, pursuant to Town Law Section 64, Paragraph 1(2): (12/26/18)

Bookkeeper	\$100
Building & Code Inspector	\$100
DPW Commissioner	\$200 and \$35 for Water Department
Supervisor	\$200
Town Clerk	\$200
Town Justice	\$200
Town Justice	\$200

Resolution.

13. Resolution pursuant to Not-For-Profit Corporation Law Section 1402 (c) (3) approving the **Membership Roster for Kirkwood Fire Company**, with the understanding that the members so approved will be assigned for which they have been qualified, in accordance with the attached roster.  
(01/02/19)

Resolution.

14. **Resolution appointing Erin Potter as Town Historian, PT effective January 1, 2019 at a salary of \$3,079.**  
(01/02/19)

Supervisor Kniffen thanked Katie Legg for helping out the Town by serving as Town Historian. The position was advertised for and Erin Potter, a Kirkwood resident, was the only one to submit an application. Resolution.

15. **Discussion – Benefit Plan – Change health insurance contribution rates for 2019.** (GEK) (01/02/19)

Supervisor Kniffen said that for some of the Town’s employees that are eligible for coverage, either family, two person or individual, the Town will be paying 89% of the health insurance premium and the employee will pay 11%. Previously it was 90% for the Town and 10% for the employee. For another group of employees the Town will pay 84% and the employee will pay 16%. Previously it was 85% for the Town and 15% for the employee.

Resolution.

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**16. Audit of Claims.**

(12/26/18)

Resolution.

**17. Indebtedness due to Flooding.**

Supervisor Kniffen said we have some indebtedness primarily due to flooding and although FEMA has not been here yet, they will be and we're assuming they're going to pay 75 percent. The State has not volunteered to be part of this at this point.

Mr. Smith said we haven't borrowed for a lot of those programs yet but we've been advancing money and putting it in the capital projects waiting for the federal representatives and anyone from the state. We've heard they've been so busy across the country with FEMA that they're training people to come in and do the advance field work. Back in the budget season the best estimates we had at the time for the federal side was \$219,000 and assumed the State would come in with their normal 12 ½ percent that they paid in 2006 and 2011. At the same time another unknown was the two main grants that were submitted for the salt barn and drainage. Even if we got grant money we were going to participate at a 50 percent level so we decided if we got both of those we would pay a total of about \$220,000 over three years. In terms of our budget for 2019, we have one-third of that or \$73,000 and \$219,000 added in for the federal exposure. Also uncertain was exactly how it was going to shake out with the Federal Highway Administration. Eventually we learned if we got the work done by February we would be reimbursed for all of it with some minor exceptions. If we didn't meet that deadline we'd have to pay 20 percent. Also, the cost of that project came down quite a bit. At the end of November I sat down with John Finch and updated the original project list that John Mastronardi put together and updated where we stood with the FHA and concluded that for those federal flood related items our exposure, assuming that NY did not help out in any way, would be closer to \$295,000 going into 2019. While I was considering that, we received the news we got the drainage grant but not the salt barn so when our local share of the salt barn came off we were going to save money on that end over the next three years so the combined exposure dropped from \$439,000 down to \$385,000 or a net of about \$54,000. We haven't given up hope totally on the State. To me the State isn't going to be selectively choosing who they will be supporting, it's going to be a statewide commitment. Even if they back off from 12 ½ percent and we get even 5% it would be helpful.