

**TOWN OF KIRKWOOD**  
**WORK SESSION**  
**March 31, 2015**

Present: Supervisor Gordon Kniffen  
Councilman Robert Weingartner  
Councilman Lewis Grubham  
Councilwoman Linda Yonchuk  
Councilman William Diffendorf, Jr.

Also Present: Herbert Kline, Town Attorney  
Gayle Diffendorf, Town Clerk  
Raymond Coolbaugh, Commissioner of Public Works  
John Finch Jr., Chief Water Treatment Plant Operator  
Marchie Diffendorf, Planning Board Chairman  
Duane Travis, ZBA Chairman

Supervisor Kniffen reported that the Five Mile Point and Kirkwood fire companies will be hosting an open house and recruitment day on Saturday, April 25, 2015 from noon to 3:00 PM along with other fire companies in New York State.

**1. Adams CATV Agreement. (HAK)**

Mr. Kline explained everything will be left alone with the agreement. Since this inadvertently did not get on the March agenda a special meeting will be held after this work session to pass a resolution which is needed by Adams. Resolution for 3-31-15.

**2. Resolution appointing Lew Grubham, Marchie Diffendorf, Duane Travis, Herb Kline, Roy Tondeur, and Mike Maciak to the Town of Kirkwood Comprehensive Plan Committee.**

Resolution.

**3. Discussion – Post Office Lease. (GEK)**

Supervisor Kniffen reported that the lease is up at the end of this year and the Post Office wants to renew it for another 5 years. Mr. Kline reviewed the terms and conditions of the lease. In the new lease the rent will increase by 5%. They included an additional 3% that will be paid to a real estate agency that the Post Office outsourced their portfolio to. Mr. Kline added there was a concern if the Post Office were to walk during the term of the lease during the first year, that the Town would get it's money back from the realtor, who get's it up front. He said the Post Office put that in for all 5 years. If they walk any time during the 5-year term of the lease, they would proportion the refund to the Town based upon how long the lease would be cancelled for. Councilman Diffendorf asked for clarification about the realtor expense. Supervisor Kniffen explained the Post Office does not want to handle this themselves so they outsource it and he does not know why the Town has to get involved and pay the money to the realtor. Mr. Kline added that there are so many post office buildings, that the Post Office did not want to get into the real estate business. The 3% fee to be paid by the Town up front to the real estate firm is \$1,507, which amounts to about \$300 a year for the 5-year lease. Supervisor Kniffen

**TOWN OF KIRKWOOD**  
**WORK SESSION**  
**March 31, 2015**

said they did try to negotiate paying this over 12 months but that didn't work out. As something to consider, Councilman Grubham noted that the post office building is not in good shape and money was spent last year installing new sidewalks and pavement and there are other issues as well such as the siding that could cost a lot of money. Although he is in agreement with proceeding with the lease Councilman Diffendorf noted that \$10,000 isn't a lot of money when dealing with a large commercial building.

**4. Discussion – Herb Kline Way Railroad Crossing. (GEK)**

Supervisor Kniffen reported that the railroad crossing is in need of repair. At a meeting with the rail road, DOT and Kirkwood, the rail road company explained they want to put in a concrete crossing which would take about 3 days so a temporary crossing would be needed. This would cost about \$165,000 and the major cost will be absorbed by the rail road, then DOT. He said the Town would do the paving on each side of the crossing since it is already in the budget. During the 3 days that the official crossing is closed around the clock security will be needed. They are asking someone else to pay the approximate \$8,000 for that. Supervisor Kniffen contacted Willow Run, as the major user of the crossing, for a contribution. He will be contacting American Pipe and Dorfab as well for contributions since they are also users. A date for the project has not been determined.

**5. Discussion – Main Sewer Station Pump Repair. (J. Finch)**

John Finch explained that repairs are needed for a pump at the main sewer station. The problem is with build-up and over-heating and it needs to be rebuilt, after which it will be just like new. This is the same problem they have been having with the pumps at the main sewer station with debris plugging the pump causing damage to the motors. About 90% of the problems will go away once they start shredding everything that comes in. This will cost about \$50,000. Supervisor Kniffen added they were unsuccessful in getting a grant from NYS. In addition to that about 2 years ago they put in for a FEMA grant for protection of the wells. They have received no information on it. Recently Dick Lord of SEMO indicated they are still in operation and as long as they have money they will keep processing them but there are thousands of claims after super-storm Sandy. A request to Senator Libous turned up nothing as well. They will keep trying to find any available revenue streams. Resolution.

**6. Request from John Finch to attend the New York Rural Water Association's 36<sup>th</sup> Annual Technical Conference & Exhibits 2015 to be held Monday, May 18, 2015 – Thursday, May 21, 2015 at the Turning Stone Resort & Conference Center in Verona, NY at a cost of \$866.86, which includes hotel, conference, and meals, with all reasonable expenses (mileage and tolls) paid. (F. Finch)**

John explained this is where he goes every other year to get the certification to keep up his Water Treatment Plant License. Resolution.

**TOWN OF KIRKWOOD**  
**WORK SESSION**  
**March 31, 2015**

7. Request from Ray Coolbaugh to attend the Association of Towns of the State of New York and Cornell Local Roads Program 70<sup>th</sup> Annual School for Highway Superintendents to be held June 1, 2015 – June 3, 2015 at Ithaca College, Ithaca, NY at a cost of \$110.00 registration fee. (RJC)

Resolution.

8. Discussion – Quotes for floor mats for Town of Kirkwood buildings. (RJC)

Ray Coolbaugh reported it is time to renew the contract for the carpet runners for the buildings. He received 2 quotes: Ameripride (current contract) - \$53.26 and Coyne - \$49.19, each per week. He said Ameripride does a good job every week. Supervisor Kniffen said the Town should go with the low bidder. Councilman Grubham questioned the service charge. Ray said he thinks it involves a fuel tax. Councilman Grubham questioned if there is a need for the service every week in the summer. Before the next meeting Ray will look into a bid price from the companies that limits service to every other week in the summer. Councilman Diffendorf noted a discrepancy in the total amount submitted for the Coyne bid, since the total of the 3 amounts actually is \$49.89. Resolution.

9. Request from Ray Coolbaugh to attend Powers and Duties of Local Highway Officials sponsored by Cornell Local Road Program to be held May 19, 2015 at Broome County Cooperative Extension at a cost of \$50.00. (RJC)

Resolution.

10. Discussion – Parks Maintenance Cost. (RJC)

Ray Coolbaugh said they have been looking into the costs for the park. He said the cost of manpower, garbage and rent a johns is not covered by the permit fees charged for pavilion rental. In the past someone would check the parks on Saturday morning and Sunday morning and last year the overtime for that was \$5,000. His thought is to do away with Saturday morning and have someone check it Friday before leaving work so there would be no overtime for Saturday unless there is an unforeseen situation. This would save quite a bit of money. He suggested that permit fees be raised as well for the basic size group. If the permits are increased to \$50.00 (currently \$25.00) it would help offset the cost. According to the Town Clerk revenue for 2014 was \$3,100. Ray said based on the average number of past permits issued per year revenue would be: \$35 - \$3,745.00, \$45 - \$4,815.00, and \$50.00 - \$5,350.00. He noted that it has been a long time since permit fees have been raised and even at \$50.00 it is still pretty cheap compared to some of the parks in the area. He added that the weekly charge of \$30 per unit (5) to clean the rental units has not been included in the costs. The annual cost for the units is \$2,790.00 which does not include the cleanings. They are located in the parks from the first of May to the end of October in Veterans River and Grange Hall, and there is one year around a Valley because of the track. Councilman Grubham said he is in favor of not having someone check on Saturdays and possibly not every Sunday if there is not pavilion rental. Ray said they clean the bathrooms which can get a lot of use even when there are no pavilion rentals.

**TOWN OF KIRKWOOD**  
**WORK SESSION**  
**March 31, 2015**

Councilman Diffendorf said the parks are one thing that a community gets the benefit to use whether someone is rich or poor. It is nice to go to the park and not feel you have to pay something just to use it. He realizes that there are people from out of the area that use the park as well. If you live here and rent a pavilion that's one thing but if you are out of the area that's another thing. He would like to think about it. Since a park is something everyone in the community gets to use and appreciate he does not want to make it so they can only use it if it is cost effective. Mr. Kline suggested that a comparison be made to other towns. Councilman Diffendorf said he is glad Ray is doing this and looking at what can be cut for savings. Supervisor Kniffen said it will be addressed again next week.

**11. Discussion – Dog Control Van. (RJC)**

Ray Coolbaugh said the rocker panels of the dog control van are rotted out and the frame is rotted to the extent that there is no frame left and it is not road worthy. There is a van for the water department that has the sewer cameras in it. He said for as many times as they go out with a sewer camera, they could put that on a skid in the back of a pickup and keep it at the treatment plant. Another option is to get a small trailer and mount everything in it for the sewer camera which would cost between \$1,500 and \$2,500, depending on the size of the trailer. They feel the van is worth about \$1,700 to \$1,800 and it could be used for dog control. He priced some used vans with over 100,000 miles and they run from \$7,200 to \$8,900. They paid \$5,600 for the van in the water department and spent \$5,500 on repairs. The problem with a vehicle for dog control is that it sits at Cindi's house and with not using it all the time moisture just rots everything out. John Finch said they use the camera to check laterals when needed and to check for infiltration. It is not used enough to justify having a van sitting there basically serving as a storage area for the camera. The van is a 1995 with about 100,000 miles, it sits inside all the time and is in great condition. Councilwoman Yonchuk questioned how much Cindi uses the dog control vehicle and whether or not it could be stored in the garage. Ray said there is not much room left with the big trucks and plows. Councilman Grubham said that might be awkward for her. He said he is fine with doing this, noting that it seems to be the cheapest way out of the situation. Ray noted basically they use the camera for their own purpose because the SEMOM program requires certification to run it. Mr. Kline said Jim Smith can transfer \$1,800 from general fun to water and sewer.

**12. Discussion – Indian Valley Development – Pine Camp Drive. (GEK)**

Supervisor Kniffen explained that Indian Valley Development, a company located in Johnson City, is going to relocate in Kirkwood on Pine Camp Drive, the Georgie Pacific building. There was a question about the aquifer district. The Code Department looked at it and determined they would not be using much water so there would not be a problem with a permit so it was referred to the Planning Board for site plan review. Marchie said they approved the site plan at their meeting the night before with some minor conditions. He said they can get their building permit any time and move in.

**13. Audit of Claims.**

Resolution.

**TOWN OF KIRKWOOD**  
**WORK SESSION**  
**March 31, 2015**

Additional Items:

14. Binghamton-JC Joint Sewer Facility – SEMOM program.

Supervisor Kniffen said a public hearing will be held on April 14<sup>th</sup> amending the rules and regulations. Kirkwood has asked for a briefing before the public hearing in order to be prepared. A meeting will be held on April 9<sup>th</sup>.

15. Fire/Ambulance – Workers Comp.

Mr. Kline explained that if a member of a local fire/ambulance company in Kirkwood went to another municipality on his own because of an issue he would be able to perform his duties until a superior official from the other municipality came and he would then report to him to see if they wanted him to remain. A resolution needs to be passed authorizing our firemen to be covered for workers compensation until someone shows up from the other municipality. Councilman Diffendorf added that this would take effect in June. He feels it is a good law because it helps the good samaritan fire fighter or emergency worker. Councilwoman Yonchuk questioned if this involves mutual aid calls. Mr. Kline said they are already covered. This new law would only affect individuals. Resolution.

16. Sexual Predator Law.

Supervisor Kniffen reported that currently there is only a New York State law that governs sexual predators. Kirkwood had a sexual predator law until a couple of years ago when it was rescinded and although some municipalities still have a law they are pretty much thrown out. Later this week there will be a news conference that will address this. Albany is contemplating a couple of laws for local municipalities to have their own law if they are more restrictive than New York State's. In response to Councilwoman Yonchuk for clarification, Mr. Kline said that certain legislators have introduced a number of bills to restore power to the local municipality. As it is now the Court of Appeals says that the whole area is pre-empted by the corrections department. Kirkwood is now waiting to see what the State comes up with, whether or not they are going to change what the corrections department is doing.