

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

February 2, 2016

A regular meeting of the Kirkwood Town Board was held on February 2, 2016 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: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, DPW Commissioner
Marchie Diffendorf, Planning Bd. Chairman
Stephen Flagg, Broome County Legislator

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: January 5, 2016 Organizational Town Board Meeting

PUBLIC PARTICIPATION:

Steve Flagg reported that the Legislature is currently working on indigent funeral charges since funeral homes are saying they are losing money on them. In regard to the budget, they have increased the 50/50 sales tax split. Sales tax revenues are down a bit but hopefully they will recover and by the 4th quarter projections will be met.

Judy Sopata, President of the Kirkwood Fair Committee, said she has been authorized to donate \$4,000 of Fair profits from the last few years to the Town. They are looking for options from the Town Board as to how to use the money, including any projects for the park. She noted that Sandy Wasson is Vice President and Amy Barton is Secretary-Treasurer.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Councilman Diffendorf stated he wanted to clarify why he voted no at the last meeting regarding the benefits for Herb Kline. He has known and worked with Herb for 35 years. He thinks Herb is probably the best town lawyer in the state but he said he still believes in fairness and they have to treat all their retirees fairly. The Town is going to give Herb \$12,000 more than they give other retirees in the same position. He wants it to be known that is why he voted no. At the time he did not know what the dollar amounts were but he does now and he thinks this is very unfair to the other retirees. He said the benefit could actually be up to about \$14,000.

Oliver Blaise noted he found tires that had been dropped off on Stratmill Road in two locations. Stratmill is a County road. Councilman Grubham added there are tires on Bridge Street, which is a County road as well. Since these are County roads the information will be forwarded to Steve Flagg and he will take care of it. Ray Coolbaugh said the tires that were on Brink Road have been taken care of.

Councilman Weingartner reported the insurance renewals and will done by March.

Ray Coolbaugh reported the flowering trees to be planted at Valley Park are apple, witch hazel, elderberry and red osier dogwood.

Supervisor Kniffen reported a grant was applied for through the County some time ago to purchase land for the relocation of the town garage. The grant was not approved. They will keep struggling to find other alternatives in addition to setting money aside each year to make that happen.

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Ray Coolbaugh said Theresa Kamp, the owner of two houses on Mary Street that border Town property, died last week. One parcel is .59 acres and although it doesn't have to happen now it would be nice to get that property so they could put a road in from this yard into the next yard without going out and around on the road. That would make the land more valuable. He feels it should be a consideration.

NEW BUSINESS:

Discussion – Water/West Windsor.

Supervisor Kniffen explained Windsor Supervisor Carolyn Price spoke with him some time ago because they are trying to develop West Windsor. A McDonalds has been there for quite some time, now there is a Dollar General and they are looking to possibly a hotel. Before they can economically develop that area they need public water. They already have public sewer. She questioned what it would take for Kirkwood to connect to them. At that time John Mastronardi, Ray Coolbaugh and John Finch said it would cost about \$1 million to take the line to West Windsor. He spoke with Supervisor Price last week and there now may be funds to do the project with them bringing the line to Kirkwood. The cost of the project is about \$4.5 million, which they are trying to get through the IDA and NYS. He has been assured Kirkwood has the water to do this.

Ray Coolbaugh explained the layout of the first design, with Windsor picking up the line at Easy Street, then going along Haskins Road past the bridge almost to the corner of Johnson, then it will cut through the woods to Four Square on this side of the highway and cut across past Weeks and tie into Liberty Highway and go left at North Road and the tank will be up on the hill. Ray said he and John feel if they would cross at High Street and go up Foley everyone located there in Kirkwood would be entitled to water. They feel it would be easier and is a shorter distance than where they want to cross. This plan would still have Windsor bring the line to Kirkwood. It would be similar to the situation with the sewer line where Kirkwood residents pay Windsor. John Finch explained Windsor is looking to install a 250,000 gallon tank which he feels is rather small for what they want to feed, especially if they put a hotel in, as well as any possible expansion. He said even if they go with a 500,000 gallon tank, Kirkwood has enough water to supply them without any problem. It was noted that Kirkwood would not have to create or expand a district. John said Windsor would have to put a booster station at the bottom of Easy Street and from that point on it is their line. John noted that people in Kirkwood would have the option to hook up to the water or not. It would be up to Windsor if they would be considered outside users or part of the district. Councilman Diffendorf said he feels if the water line is in Kirkwood and it is our water, if they want to use it that's fine. He feels it should run up the roadway where the residents of Kirkwood can benefit from it. Councilman Weingartner said all of this should be negotiable. It has not been determined how many parcels in Kirkwood could be affected. Since there is interest in pursuing this, Supervisor Kniffen will discuss this with Supervisor Price and keep the Board apprised.

Discussion – Policy for advertising Town positions.

Supervisor Kniffen explained there was a discussion at the last meeting about a court clerk vacancy for Judge Coe. Judge Coe had selected someone to fill the position and the discussion was about the salary. Since the new clerk does not have any court clerk experience, it was suggested that the salary start at \$3,000 less than the current clerk who does have experience and in the course of 18 months increase the salary to be equal. Supervisor Kniffen said since that time there has been a big change. Judge Code was not able to find someone through the Broome County court system and the Board was not happy that he didn't advertise in the newspaper. The new clerk will start at \$3,000 less than the current clerk that has experience and there will be no plan to raise her salary other than pay increases in the years the Board decides to increase the pay of all employees. Supervisor Kniffen said Judge Coe is in agreement.

Supervisor Kniffen said advertising when there are openings should be a policy for many reasons. They want to get the best person and let Kirkwood residents know when there are job openings. He feels they should make this a formal written policy to be handed out to

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all departments. In the event there is a tie for a position between a non-resident applicant and a resident applicant, he feels the tie should go to the Kirkwood resident. Councilman Diffendorf said in the past sometimes people have already selected who they want to fill a position and if they have then he doesn't think they should advertise it and waste time for other people. Supervisor Kniffen said this sends a message to department heads that they don't have to follow the policy. If they don't say anything there would be no way to know that they've already chosen someone. Councilman Diffendorf said people that come for these jobs get very hostile when they feel it was a done deal. Councilman Grubham said he has received a lot of complaints that people from Kirkwood never even knew about a position and never had a chance. He would be very upset if he thought that was still happening. He said the Town should be advertising every job and everyone should have an equal shot at it. Councilman Diffendorf said the judges should be aware of this because the Board has never been involved in their decisions. Councilman Grubham said they will have to follow the same rules. He said there should always be Board members involved in the process so they know whoever is picked is qualified, having better qualifications than others who applied for the job, even if it is the person the department head originally wanted to hire. That is the fair and honest way to do it. It was noted this includes vacancies in the Department of Public Works as well. Councilman Diffendorf said this definitely needs to be in writing, adding that the Board has never been involved in hiring anyone for those positions. Councilman Weingartner said in today's world of government transparency he thinks this is the way things have to go. He said the hiring positions that he has dealt with have usually been a panel of three. Councilwoman Yonchuk said having twice been the only Board member involved in personnel decisions, never again will she do that. She said it has to be 2 Board members in the future. Supervisor Kniffen said he agrees with that. Supervisor Kniffen said there is no foolproof way to handle this because there is no way to know if the department head has already decided on who they want to hire if they don't say so. It was noted that the Zoning Board of Appeals and Planning Board are exempt for the hiring policy. Those applicants must be Kirkwood residents and many times it is difficult to even find someone interested. Mr. Blaise will draft a policy.

OLD BUSINESS:

Discussion – Termination of the service contract with Cintas for carpet rentals.

Ray Coolbaugh said he has heard nothing from Cintas about the rugs. Mr. Blaise said after the last meeting Sue sent him information regarding dealings with Cintas over the last couple of months. He reviewed the information and the contract and drafted a letter for Board review, which Ray and Sue said was accurate. He said they can't just terminate the contract since the Town has to give Cintas 45 days (from the time they receive the letter) to fix the problem. If they do fix the problem the contract goes forward and if they do not, the contract is terminated. Based on Ray's discussion with a rep from Cintas, Mr. Blaise said Cintas basically said take your business somewhere else. Supervisor Kniffen authorized Mr. Blaise to send the letter.

Councilwoman Yonchuk moved to adopt resolution Requesting and Act (A.8561) to Amend Highway Law § 341(3) in Relation to the Transfer of a State Highway to the NYS Department of Transportation, in accordance with the attached resolution. Councilman Diffendorf seconded.

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

30-16
Amend
Highway
Law
Transfer to
State

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution appointing Erin Tuttle as Clerk to Justices, effective February 1, 2016, with a starting salary of \$26,500 on the advice and consent of the Town Justice. Councilman Grubham seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes

31-16
Appoint
E. Tuttle
Clerk to
Justices

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Councilwoman Yonchuk - yes
Councilman Diffendorf - yes
Supervisor Kniffen - yes

MOTION CARRIED.

32-16
Purchase
Soft
Starter

Councilman Grubham moved to adopt resolution authorizing the Commissioner of Public Works to purchase a new 75Hp Benschaw Soft Starter and related wire and conduit at a cost of \$5,250. Councilman Weingartner seconded.

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

MOTION CARRIED.

33-16
Education
C. Moran

Councilman Weingartner moved to adopt resolution authorizing Chad Moran to attend required training at Binghamton University on March 31, 2016, May 10, 2016, and May 24, 2016 at a cost of \$180.00. Councilwoman Yonchuk seconded.

Discussion: \$180.00 is the total cost for the 3 days. Mr. Blaise explained Chad does not have to sign the reimbursement agreement for this training since it is subsequent training and not included as initial training to fulfill the job requirements for which he did sign the agreement.

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

MOTION CARRIED.

34-16
Education
Kavalesky

Councilwoman Yonchuk moved to adopt resolution authorizing James Kavalesky to attend required training at Binghamton University on May 10, 2016 at a cost of \$72.00.

Councilman Diffendorf seconded.

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

MOTION CARRIED.

35-16
Appoint
C&G
Tax Issue

Councilman Diffendorf moved to adopt 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 Kirkwood Warehouse Investors, 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 requests to be submitted by voucher. Councilman Grubham seconded.

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

MOTION CARRIED.

36-16
Five Mile
Pt Fire Co.
Roster

Councilman Grubham moved to adopt resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Five Mile Point 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. Councilman Weingartner seconded.

Roll Call Vote: Councilman Weingartner - yes
Councilman Grubham - yes

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Councilwoman Yonchuk - yes
Councilman Diffendorf - yes
Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution accepting the Recertification of the Record of Activities for James R. Smith, Budget Director, in accordance with the attached recertification. Councilwoman Yonchuk seconded.

37-16
Recert.
Retiremnt
Hours
J. Smith

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 authorizing Highway Superintendent to enter into an agreement with the Town Board regarding Expenditure of Highway Moneys, in accordance with the attached agreement. Councilman Diffendorf seconded.

38-16
Highway
Moneys
Agreement

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 Commissioner of Public Works to purchase a new HHS Series pressure washer at a cost of \$4,500. Councilman Grubham seconded.

39-16
Purchase
Pressure
Washer

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

Councilman Grubham 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 5, 2016, all in accordance with the abstract of claims on file in the Town Clerk's Office.

40-16
Audit/Pay

Councilman Weingartner seconded.

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

MOTION CARRIED.

OTHER:

Supervisor Kniffen related the sad news that Kirkwood resident Phil Payne passed away. Phil was very active in youth activities serving on the Youth Advisory Board for many years and coached little league for 40 years. Supervisor Kniffen said not only did he coach but he was kind and gentle with the kids. He said Phil was the only coach he ever knew who could coach and keep score at the same time. He was such a nice guy and special person to our youth.

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ADJOURNMENT:

Councilman Weingartner moved to adopt resolution to adjourn the meeting. Councilmen Grubham and Diffendorf seconded. All voted in favor.

MOTION APPROVED.

Meeting adjourned at 6:48 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk