

TOWN OF KIRKWOOD WORK SESSION

April 26, 2016

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
Raymond Coolbaugh, Commissioner of Public Works
Marchie Diffendorf, Planning Board Chairman
Duane Travis, ZBA Chairman

1. Discussion – Prohibit Smoking in Parks. (GEK)

Smoking in Kirkwood parks was discussed in June and August of 2013 and a recent inquiry by a Kirkwood resident has initiated additional discussion. Supervisor Kniffen explained in 2013 the Board decided not to adopt a policy to prohibit smoking in the parks since they had not seen a lot of smoking issues and there was a concern over how to manage it. At a minimum the thought was to prevent smoking around the dugouts where young people are participating. Although the plan was to post no smoking signs around the dugout that did not happen. Ray Coolbaugh said if the Town implements a policy Broome County Health Department will supply signs if it is a tobacco free community. Supervisor Kniffen will look into that. If that isn't an option Councilman Grubham said the Town could get their own signs. Councilman Diffendorf said he goes to the parks as much as anyone and he doesn't see much smoking unless someone is off by themselves. He doesn't feel there is a problem now without the signs and he doesn't want to cause a problem. Supervisor Kniffen said he can't remember the last time he saw someone smoking in the park. In regard to larger events that are held at the park like the senior picnic and the town fair, Councilwoman Yonchuk said there is very little sign of smoking. Councilman Weingartner said he thinks it is a difficult thing to enforce because there is no regular patrol of the parks. Marchie Diffendorf said at the town fair there is no smoking under the beer tent and the firemen police that, smoking is allowed outside of the tent, and it works well for them. Ed Egan said if signs were to be considered, the restrooms might be an area where they would be needed, but there still would be the issue of enforcement. Councilman Weingartner said he is 100% against smoking, noting that it took his mother from them, but he does agree that people have rights. He said if someone is smoking near him he will politely ask them to stop and 100% of the time they apologize and move away. Although he does not have a problem doing that he knows there are a ton of people that do and they are the people that want enforcement of no smoking. Councilman Grubham said he thinks they should observe what is going on for a while, that he actually doesn't see a problem at this time. If it becomes a problem they could then act on it. Supervisor Kniffen said they will put a hold on it for now.

2. Discussion – Olivet University. (GEK)

As an update of the status of Olivet University, Supervisor Kniffen explained this was supposed to be an educational facility, a small town college, but it has never happened. They have never

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been accredited by the NYS Education Dept. He noted they purchased a vacant hospital in Poughkeepsie which they abandoned as well. It continues to be a mystery. They informed Supervisor Kniffen that it is still their plan to be accredited. Councilman Weingartner said at least it is not a public eyesore, they are mowing. Supervisor Kniffen added they are paying their taxes as well.

3. Discussion – Rogers Mountain Way. (GEK)

Supervisor Kniffen explained the Town of Dickinson built a by-pass road so if at any time the railroad crossing was blocked by trains people would have a way in and out. Recently they heard the railroad was going to close the crossing for up to 2 weeks. His first thought was how could they do that if the by-pass road wasn't there so maybe they should re-think about contributing to the cost of the road. He said Kirkwood sent an email to the railroad with no response to date. They have advised Dickinson of what they are doing. Councilman Grubham verified that if the railroad chooses to ignore this, the people can still get in and out.

4. Resolution accepting the Recertification of the Record of Activities for Cynthia French, Dog Control Officer, in accordance with the attached recertification.

Resolution.

5. Discussion – Water Mains – Section 10 – B: Permit. (LCG)

Councilmen Grubham and Weingartner submitted a proposal for revised water permits fees as follows: Residential use would remain as is at \$30.00 plus a processing fee of \$5.00. For commercial and industrial use the fee would be \$70.00 plus \$5.00 processing fee per load for tankers up to 2500 gallons (currently \$50.00) and for tankers over 2500 gallons a fee of \$100.00 plus a processing fee of \$5.00 per load. He noted that although the gas pipeline company that was taking the water is moving out, this would apply for the future. Resolution scheduling a public hearing for May 31, 2016.

6. 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.

Resolution.

7. Discussion – A Local Law to Effect a Moratorium within the Town of Kirkwood on the Placement of Solar and/or Wind Energy Equipment, Materials and Support Activities. (ONB)

Supervisor Kniffen noted that Councilman Grubham had suggested a moratorium on solar panels in Kirkwood. Mr. Blaise said there is actually something in the Town's Code allowing wind

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turbines up to 30 feet. Marchie Diffendorf said it was added at the request of a resident who never followed through on it. In regard to Item 8 below, Mr. Blaise said he didn't see the need to include farm energy since he doesn't think there are any farm energy producing activities going on now. This would entail using farm waste, or methane, to produce energy. Supervisor Kniffen spoke with Dan Giblin about solar panels and there currently are a few residential situations and nothing has been done with them. Currently they would be tax exempt. Supervisor Kniffen suggested the Town adopt a resolution to opt out of the 15-year tax exemption as it now stands. Mr. Blaise said with the moratorium, 6 months is standard but you can go up to a year. He said the courts disfavor going beyond a year. If the Town puts this in place they cannot keep adding extensions without a very good reason. The work should be done within the timeframe the Town sets. Councilman Grubham said he talked about a moratorium because they will be discussing this with the comprehensive plan committee but his understanding is if there isn't anything in the Code now it can't be done anyway. Mr. Blaise said generally speaking that is correct. If someone came in right now and was denied because it isn't in the Code Mr. Blaise said they could challenge it, but he feels the Town would be in a strong position. Resolution scheduling a public hearing for May 31, 2016.

8. Discussion – A Local Law Opting Out of the Solar, Wind and Farm Energy Real Property Tax Exemption Provided by RPTL § 487. (ONB)
Resolution scheduling a public hearing for May 31, 2016.

9. Discussion – Judge Weingartner Retirement. (GEK)
Supervisor Kniffen reported that Judge Weingartner plans on retiring this year after 34 years of service. He would like to submit his resignation prior to the end of the year so that the position could be on the ballot this year, for a term to begin January 1, 2017. Judge Weingartner suggested he be appointed for the rest of the year to temporarily fill the void, and Supervisor Kniffen thinks that's a good idea. Councilman Weingartner said this will get the 2 judges on separate election cycles. Although currently they are on the same cycle, prior to the mid-term retirement of Judge Merritt it was every two years for either one judge or the other and there would always be a sitting judge with experience. This will be much better so it would not be the concern of having 2 new judges at the same time. He said this is the big reason Judge Weingartner is retiring now and asking to be reappointed to the end of the year. Mr. Blaise said by state law someone can't submit their resignation effective more than 30 days out. If Judge Weingartner wants to retire June 1st he would want to submit his resignation sometime in May. He added that it is permissible for the Board to appoint him to temporarily fill the position until the next election. Councilman Diffendorf said he thinks it is nice of Ben to give the Board his notice with the election in mind. He thinks it is a good deal for the Town. Mr. Blaise said once his resignation is received resolutions will be needed accepting his resignation and appointing him to fill in the vacant seat created by his resignation until December 31st.

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10. Request from Code Department to purchase a new computer, memory, monitor, and service labor for a total of \$1,284.00.

Supervisor Kniffen said there is money in their budget for both the computer and software.
Resolution.

11. Request from Code Department to purchase Planning Board and Zoning Board of Appeals tracking software at a cost of \$2,000.

Resolution.

12. Discussion – Joe Barton Resignation and appointment of Bill Tozer as new Deputy DPW Commissioner with an increase of \$1.00 per hour. (RJC)

Resolution.

13. Discussion – Request from Ray Coolbaugh to attend the 2016 Highway School at Ithaca College on June 5-8, 2016 at a cost of \$110.00 for the registration fee. (RJC)

Resolution.

14. Discussion – Approval for pump service & supply for a new Aurora vertical inline pump. (RJC)

Ray Coolbaugh said this involves the booster pump on Stratmill Road that helps fill the Highland Heights tank. The seal on one of the pumps went out and shorted out the motor and basically destroyed the pump. The cost to rebuild the pump is \$4,744 and the cost for a new pump is \$5,825. It would be faster to get the new pump as opposed to getting the other one fixed. He would like to get the new pump in and send the other pump out before that blows out and have that one rebuilt at a cheaper cost. Currently they are running on one pump. Councilman Grubham clarified that they will get the pump that is currently working rebuilt, not the pump that was destroyed. Ray said both pumps were put in at the same time, probably about 30 years ago.
Resolution to ratify.

15. Open quotes for River Park electrical work – FEMA 4031. (RJC)

Ray Coolbaugh said he and John Mastronardi contacted 4 electricians in regard to finishing some FEMA electrical work at the park: Gorman Electric, AC Spears Electric, Matco Electric, and Panco Electric. They met with AC Spears, Gorman and Matco and showed them the scope of the work, Panco did not show up. He received only 2 sealed bids of the 3 bids they expected. He added the contractors were told if their bid amounted to over \$35,000 not submit anything, so he is assuming the bids are under that amount. Councilman Diffendorf opened the following bids:

AC Spears Electric	- \$29,421.00
Gorman Electric	- \$24,445.82

Resolution.

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Audit of Claims.
Resolution.

Parks.
Ray Coolbaugh reported they have put new blacktop in at pavilion 3 at Veterans River Park. They will do the same for pavilion 1 next year and pavilion 2 the following year.

Herb Kline.
Supervisor Kniffen announced that Herb Kline broke his hip. He had a hip replacement and is currently in therapy.