

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

December 5, 2017

A regular meeting of the Kirkwood Town Board was held on December 5, 2017 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

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

Absent: Councilman Robert Weingartner

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Board Chairman
Duane Travis, ZBA Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

November 6, 2017 Town Board Meeting
(3) November 28, 2017 Public Hearings

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Well #1 Update.

John Finch stated that the clear well pump has been removed and a new pump and motor have been installed and are pumping more gallons per minute than it previously was. The clear well will be cleaned tomorrow. As far as Well #3, the transfer pump from the air stripper to the retention tank was installed today with only minor complications and it should be up and running tomorrow.

West Windsor Water Service.

Supervisor Kniffen explained that Windsor is trying to develop an area in West Windsor. They currently have public sewer but not public water and there have been preliminary talks as to whether Kirkwood can supply them with it. He said our position is that we could but it would be very costly for the infrastructure and where it would cross the highway has to be determined. Windsor has not proceeded with this due to the lack of money so we went with Windsor to Senator Akshar looking for money but nothing has worked out. Supervisor Kniffen said the County Executive was on site when the Kasmarcik building was demolished and the County Executive mentioned to him that he might have something. Supervisor Kniffen met with County Executive Garner, Windsor Supervisor Carolyn Price and Kevin McManus and there is a wastewater \$5 billion program for these types of projects. County Executive Garner believes that this project may qualify for that and he will be going to Albany next week to make a pitch for it.

Grant Money.

Supervisor Kniffen said that Binghamton has made a lot of improvements by fixing their roads and installing LED lights and they got grant money to replace some of the infrastructure of the wastewater system, all without raising taxes. Supervisor Kniffen said he, Councilman Grubham and John Finch have been discussing grant money which is usually only available for big projects, such as those for the department of public works. He said if the Board is in agreement we would go after some grant money. The next step would be to find someone to write the grant which is an important part of it to get someone's attention. He asked Councilman Grubham to look at a new garage project. Council Grubham said we always see where other towns are constantly getting money but, other than the road project, we don't seem to get anything and maybe that's because we

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haven't gone after it. Mr. Blaise said he put John in touch with a grant writer that he has worked with before and although she doesn't normally work with municipalities, she knows the process and has many contacts. Councilman Grubham referenced that Owego received grant money for their flooded highway garage so Supervisor Kniffen suggested we contact Owego's Mayor regarding this. Supervisor Kniffen also suggested we contact the County Executive before he goes to Albany with this additional project. Board members were in agreement that we should try to get some grant money but Councilman Diffendorf said one reason a lot of areas get grants is because they are depressed areas and definitely get more benefits. He noted that we did get turned down in the past when water was extended down Route 11 because we were just too wealthy of a town. Supervisor Kniffen noted we did get some small amounts in the past through Senator Libous and Assemblyman Crouch.

OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the 2018 Assessment Rolls for Sewer and Water Districts. Councilman Diffendorf seconded.

165-17
Adopt
2018 W&S
Assessment
Rolls

Discussion: Councilman Grubham said he has a number of questions regarding some of the proposed items to be added to the budget. In regard to using cold mix paving on the road to the wells, he questioned why the millings from another project couldn't be used instead of spending \$14,000. John Finch said they've used millings in the past and they just don't hold up. When it gets flooded it softens right up and gets mushy. He said cold mix was put down years ago and that section has held up the best, other than blacktop which is too expensive. He felt since they would be here doing cold mix next year they could run a strip right down there. Councilman Grubham said the road isn't in that bad shape right now. John said it seems pretty bad and will be worse after the winter. Patching this year did not hold. Councilman Grubham said \$14,000 buys us kind of a luxury and he does not feel it is worth it to do this.

Councilman Grubham said he is in favor of proposal #2 but questioned how much money we save by having a variable speed drive. John said it is definitely a cost savings, although he does not know how much, but it also saves wear and tear on the motor and that's where he feels the big savings is. John said there will be electrical savings as well and Councilman Grubham asked him to check into that. John said we can monitor our usage to find that out.

In regard to Well #3, the back flow check valve, Councilman Grubham questioned if it's not working well. John said they tried to repair it but it started to leak again and it's outlived its lifetime – since the late 1980s.

In regard to cold mix paving to Tank #2, Councilman Grubham said he didn't know roads were paved to any of the tanks. John said that one (N. Sunset – 750 gallon tank) had millings on it before and rolled it in and it held for a while. He said we keep that one better than the rest of them because there is a house that accesses it. John said that is the way it was when he came here and doesn't know how it came about that they can use something that's not a road. John said although it would be helping that house out, it is in bad shape. Councilman Grubham noted that it is not entirely paved, that up above it is grass. John said his thought is if we put the money into we won't ever have to touch it again, it would go up into the grassy area. He said it is hard to plow that. Councilman Grubham said it's \$10,000 and it looks like we're paving it to help someone who has a right of way onto our driveway and he doesn't understand how that happened.

In response to Councilman Grubham, John said the plan is to tear down the wood sheds and replace them with metal and instead of using spray foam they will be using foam board, due to an issue with mice.

In regard to new doors at the water treatment plant, John said they will be replacing just the doors, not the frames. Councilman Grubham said only one set of double doors is in bad shape.

Councilman Grubham questioned if John would be getting bids to rebuild the old pump and motor for back up purposes for the clear well, since the cost is \$31,850. John said

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that's a ballpark figure and it is the pump that was removed from the clear well and is beyond repair. They will get prices from W2O and another source. He said we will have to decide if we want another spare. The one that was just put in was from the 1970s. Councilman Diffendorf said it seems like every time we do something we have to check on something we've had so long to see if it will even work. John said he could find out what the lead time would be if we have to replace a pump that size.

Councilman Grubham questioned the age of the air blowers at the Main Sewer Station. John said there used to be two blowers on the roof, and the one that is down there is original to the building. It was modified to go into both the clear well and the dry wet well but after the NYS inspection they said we can't do that, we have to have separate blowers for each one.

John said he is thinking of replacing the spiral staircase with a ladder and a cage, and even with a platform it will be a lot cheaper than the staircase.

Councilman Grubham said he is concerned about spending so much money for the paving items and in one case it only helps someone that has a driveway onto our road. He said 75% of it is not even paved. Councilman Diffendorf said he agrees, he doesn't think they have to be paved and with all the millings we'll have next year if it's put on quite thick and rolled that should be a good option. Councilman Grubham said he's good with everything with the exception of those two items.

Supervisor Kniffen complimented Councilman Grubham on his in depth review of the proposals and clarified that Councilman Grubham has a concern with paving the road to the wells, that we only need one set of double doors at the water treatment plant and we don't need to pave the driveway to Tank #2. If these proposals were eliminated it would lower the total proposal of \$105,000 by \$25,500.

Mr. Smith said there is a cushion listed of \$20,000 for things we don't know about now and that could be lowered too. He said we don't always know this far in advance if something will come up, so then the budget is enabled but at that point it could go to contingency. Councilman Grubham said he does not see the need to leave that in there. If there's a problem like we had this year we will handle it out of contingency.

Councilman Grubham said he's not in favor of doing the tank now, especially if we could get money for it, and if this project with Windsor should happen and we decide we want to do a tank, he questioned why we wouldn't put the tank at a lot higher elevation than where it is now so that Kirkwood could benefit by putting water in other areas of the town. John said it still would not solve a problem at Highland Heights with the tank up there because they are on their own separate system. That tank supplies Highland Heights, Upper Colesville Road, Corporate Drive and Link Drive. Their elevation is so much higher, the pressure is so much higher, so we can't tie it into our lower system. Although he said he understands what John is saying, Councilman Grubham said if we are going to do a new tank why wouldn't we put it at a higher elevation and it would still service that area and would also maybe make water available to other areas of Kirkwood. John said we couldn't put it at a higher elevation, they are all supposed to be at the same elevation so they drain equally all the way down. If we put one higher the pressure in the bottom of the system will be increased and it will drain that tank to fill other tanks. Supervisor Kniffen said if we put a tank in at a higher location then a new district would have to be formed and go through that whole process. Mr. Blaise said the process would not be easy or cheap.

Three things will be eliminated from the proposed budget. In regard to the tank, John asked if we will only move forward if we get grant money or can we revisit it if there is no grant money. Supervisor Kniffen responded that it can be revisited in the future.

In regard to the sewer budget, Councilman Grubham asked Mr. Smith why the revenues dropped dramatically in the Five Mile Point area from the last few years, noting that in 2014 total revenues for that area were \$1,243,000 and only two years later it was \$1,054,000. Mr. Smith said we were anticipating the SEMOM rates back in that time frame and we had raised our rates quite a bit in anticipation and then we lowered them, so

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the sewer rent is the primary number that has come down. Mr. Smith said we don't know the provisional firmly for 2018 yet but we built in an estimate and it's higher than the sewer rent because we are still using some refund money. We are expecting by 2019 or 2020 we've got to start raising the rate again. Mr. Smith said that's the major cause for the drop but Frito Lay's usage over the years could have played a small part as well.

As a recap Mr. Smith said the paving of the road to the wells at \$14,000 will be eliminated, the cushions will be eliminated and the amount for the doors will be \$3,000 instead of \$4,500. He said he will look to where we've appropriated in those funds that are involved and reduce the appropriated fund balance when those expenses come down. Contingency lines may need to be adjusted to keep the rates where they are.

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

MOTION CARRIED.

166-17
2018 Fire
Contracts

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, authorizing Supervisor to execute Fire Protection Contracts for 2018. Councilman Grubham seconded.

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

MOTION CARRIED.

167-17
Adopt EAF
Firefighter
Tax Exemp.
LL #3-2017

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 3-2017 entitled "A Local Law of the Town of Kirkwood Providing a Partial Exemption from Taxation by the Town to Volunteer Firefighters and Volunteer Ambulance Service Members", in accordance with the attached Short EAF. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

168-17
Adopt
LL#3-2017
Firefighter
Tax Exemp

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting Local Law No. 3-2017 entitled "A Local Law of the Town of Kirkwood Providing a Partial Exemption from Taxation by the Town to Volunteer Firefighters and Volunteer Ambulance Service Members", in accordance with the attached resolution. Councilman Diffendorf seconded.

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

MOTION CARRIED.

169-17
Award Bid
Electronic
Sign Board

Councilman Diffendorf moved to adopt resolution awarding sealed bid for the Electronic Sign Board to Robbins Signs, being the lowest responsible bidder at \$25,750.00. Councilman Grubham seconded.

Discussion: In response to Councilman Diffendorf, John Finch said this will not be visible from both sides. Councilman Grubham questioned if the Town could sell ads to local businesses to help pay for it. Mr. Blaise said there are certain things that advertising can be sold for, such as on buses, but there is a distinction that the courts have drawn that we can't be in the business of being in business. The sign board is out there to promote things for the Town so if ad space is sold it is being converted from a Town function to a proprietary function and a government can't be involved in that. He said the other problem would be regulating who could put what on there. As an example if you let someone advertise for something and someone else objects because it offends them for various reasons, it gets into free speech issues. It would be a slippery slope to try and do it. So if that is the case, Councilman Grubham questioned if we need some type of a policy of what

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goes on the board. Mr. Blaise said he thinks basically it should be limited to Town functions and not for profit announcements. He said he thinks local garage sales and church functions are fine since they are community events.

Councilman Grubham questioned if we are sure this is where we want it to go. He said we are basically limited and the problem is people see the current sign only when they come this way to Schneider's or the Town Hall. He was thinking there might be some place to put it up near SEFCU then people who drive straight through will get to see it. Mr. Blaise said it was bid because there is an electrical hook-up nearby. John Finch said if we put it on Route 11 it will be susceptible to damage from the plows going through since the only place to put it would be the little triangle at the end of Crescent Drive. Councilman Grubham said that's actually the perfect spot for it but that could be a concern. It was noted that distance does not affect programming it. There is no perfect spot for it.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing Supervisor to enter into a Non-Disclosure Agreement Charter Confidential Buildout Information, in accordance with the attached agreement. Councilwoman Yonchuk seconded.

170-17
Non-Disc.
Agreement
Charter
Confidential
(Road Bond)

Roll Call Vote: 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.
Discussion: Councilman Grubham said his understanding is that Gar-Glen and Diane were done four or five years ago and they total almost \$150,000, which is CHIPS money and permanent improvements and he doesn't think they need to be done. He did add that Victoria and North Woodhill are in bad shape. John said he can look into this. It was verified that the roads will be milled. Since this is a preliminary report, John will look into and present it again at the December 26th meeting. HOLD.

171-17
Highway
Moneys
Agreement
HELD

Councilwoman Yonchuk moved to adopt resolution authorizing the Commissioner of Public Works to expend funds from the Equipment Reserve Fund of the Town of Kirkwood, subject to Permissive Referendum, in accordance with the attached resolution. Councilman Diffendorf seconded.

172-17
DPW Comm.
Spend funds
Equipment
Reserve –
Dump Truck

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution scheduling a Public Hearing for December 26, 2017 at 6:00 PM regarding the approval of the cable franchise agreement with Spectrum. Councilman Grubham seconded.

173-17
Sched PH
Cable
Franchise
Agreement

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution to Proceed with the Multi-Phase Highway Repair and Replacement Project, in accordance with the attached resolution. Councilwoman Yonchuk seconded.

174-17
Proceed
Multi-Phase
Highway
Project

Roll Call Vote: Councilman Grubham - yes

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

MOTION CARRIED.

175-17
Transfer of
Funds

Councilwoman Yonchuk moved to adopt resolution authorizing the Transfer of Funds, in accordance with the attached budget sheet. Councilman Diffendorf seconded.

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

MOTION CARRIED.

Discussion – Justice Annual Meeting.

Supervisor Kniffen explained that currently the judges are authorized to attend annual conferences, alternating every other year. In a subsequent conversation with Judge Coe, Judge Coe said Judge Hawkes might not always go but he would like to go so that a judge attends every year. Councilwoman Yonchuk said the judges are required by law to be recertified and questioned if this is a part of that. Supervisor Kniffen said they can do that locally. He did relate to Judge Coe that it has been in our policy to get a written report after they attend a conference but it's never been done and that would be required.

Supervisor Kniffen said we allowed a justice to go every other year in the past so now do we think a justice should go every year, stating he has no problem with it. Councilwoman Yonchuk said she has no problem with a justice going every year but she noted a concern with redundancy. She noted that having gone to the Association of Towns for three years it tends to be redundant. She added that with this we won't know unless they do submit reports, something very basic, and we can assess if it is redundant. Supervisor Kniffen said we did agree to every year but we thought they would alternate. Councilman Diffendorf said he does not have a problem with someone going every year.

176-17
Justice to
Attend
Magistrates
Meeting
Annually

Councilwoman Yonchuk moved to adopt a resolution permitting one Town Justice to attend the annual Magistrates Associates meeting and to provide a written report on the meeting to the Town Board at the next regular meeting following their attendance. Councilman Diffendorf seconded.

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

MOTION CARRIED.

Discussion – Water Treatment Plant Licenses.

Supervisor Kniffen reviewed that we already had a policy adopted in 2013 that the salary increase would be \$800, which is where the 39 cent increase came from. Alan already got the 39 cent increases and Brian will be eligible to get a 40 cent and 60 increase for his two certifications, effective in January. It was noted that this does not apply to the Department of Public Works so the policy should be changed to the highway. After receiving information about amending the current policy from John Finch, Mr. Blaise will draft a resolution for the December 26th meeting.

Discussion – PERMA.

Supervisor Kniffen said PERMA is where we have our workers comp insurance and requires training and Councilman Diffendorf is our PERMA Officer. PERMA has expanded on what they expect from us. We now have to sign an agreement that lays out what we need to do in regard to training, including training for the PERMA Officer. Councilman Diffendorf will review it and talk about it in January. Councilman Diffendorf commented that the Board authorized him to go to what would have been this training but he couldn't get in the class at this time. Councilwoman said now that PERMA is requiring some extra training, she questioned if it impacts the Collective Bargaining Agreement. Supervisor Kniffen said the highway employees are probably the ones that get the most training. Mr. Blaise said that wouldn't be subject to negotiation, that generally it is something that would be part of their regular duties. Supervisor Kniffen will check with their agent to be sure there are no issues in that regard.

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Discussion – Process for expanding water district to include Vernon Drive.

Mr. Blaise said, as he feared, this is not as easy as we were hoping. There is a 3-step process to expand the water district. Step 1 is that we have to prepare a map, plan and report to be generated by a licensed engineer and they have to be in significant detail outlining the boundaries, source of the water supply, construction and generally laying out how all of this will work. When the Board gets that they would adopt it and it's subject to permissive referendum and the Board's resolution has to lay out what the cost will be and how it's going to be funded. It has to be paid for by the residents, the district can't pay for it. The Town can bond for it and the residents can pay that off over a period of time. He said this is under Section 202, Subsection 5 of the Town Law and under 12A. In the districts that Mr. Blaise has worked on before the residents have paid for it. Councilman Diffendorf said we consolidated the districts so there is one district and when we expanded these districts everyone paid for it, not just the people to be added. When we expanded down Main Street from the Fire Station to the end of the village it included the whole district, and the same was the case when we expanded water on Route 11 to the Pennsylvania line. Mr. Blaise said if the residents on Vernon Drive or those other areas didn't pay, they were getting a free ride on everyone else that was in the district already. Councilman Diffendorf said we took the position that everyone got a fairly good deal to begin with and then when we consolidated everyone would be helping. The whole district helped the other people and the other people helped when they became part of the district just like everyone else did. Mr. Blaise said that's not fair to the people already in the district. Councilman Diffendorf said we've already set this up and whether it's fair or not that's what we've been doing. Mr. Blaise said he questions this because when the people along the river were requesting it that's not how it worked, they would either have to be outside users or part of the district, either way we were telling them they would have to pay for all of it. Councilman Diffendorf said they were not on a road and we don't run water on private property, only down the right of way along the roads. So we would be running it down Vernon Ave. because it is a road. Supervisor Kniffen added that some years ago when Joe Griffin was with us it was decided to run water all the way to the Pennsylvania border and at that same time we consolidated the water and we were able to pay that off in seven years since we got money from the Gorick landfill settlement. His recollection is once we did that for anyone coming into the district the whole district would pay for it. Mr. Blaise said he has never heard of that and there is a report that has to go to the Comptroller. Supervisor Kniffen said they did report to the Comptroller. Mr. Blaise said you consolidate a water district for the sake of consistency and it's easy to budget and if there is an issue anywhere in the district the entire district splits the bill instead of possible a small area. Councilman Diffendorf said we've done this by permissive referendum and the whole town gets to decide whether or not they want to give those three houses water. Mr. Blaise said permissive referendum is part of this, but part of the plan is that you have to come up with the cost and step 2 is a public hearing and contact the Comptroller to obtain the cost of what it's going to be to the typical property within the area that's going to have to pay for this and if it goes over a certain amount you have to then get the Comptroller's approval to charge the new folks coming in that amount. If it's under the Comptroller's threshold you don't need their approval but it's still part of the plan and you have to come up with the cost to the person that will be in the district, in this case the Vernon Drive folks. If the cost is spread out over the whole district it won't be much for each person. The Town Clerk will look up past minutes as to how the water expansion along Route 11 was handled.

NEW BUSINESS:

Councilman Grubham moved to adopt resolution authorizing the appointment of David W. Briggs of Briggs Appraisal Service to prepare an appraisal of the commercial property of Kirkwood Warehouse Investment, LLC, at a cost of \$5,000. Councilwoman Yonchuk seconded.

Discussion: Mr. Blaise explained that this is for the old Penguin building. There is a tax assessment case that has been pending for two years. They have challenged their \$10 million assessment and would like to get it down to about \$7 million, which is a pretty substantial drop. Thus far settlement negotiations in this case have gone nowhere so at this point it looks like this case is headed to trial and we need an outside independent appraiser to defend our assessment and they will have to get one too. Scott Snyder, the Town's

177-17
Appt David
Briggs to
Appraise
Assessed
Property

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Assessor referred Mr. Briggs to Mr. Blaise. His fee for prepping the report to submit to the court is \$5,000 and is actually pretty reasonable. Mr. Blaise said he's been in discussions with the school and since the school will be hit the hardest with a substantial reduction they have offered to pay half of the cost. They may pay some of the other costs as well to have a say in what our strategy is as to a settlement. Supervisor Kniffen said when Dan was with us he would try to negotiate with them and the owner called him, and when they bought it they got an appraisal and wouldn't share it with us. So when Scott came in he did the same thing Dan was doing and that's why we are at an impasse. He said their attorney seems willing to talk with us but the owner won't. He said he doesn't think we have any choice. He also noted we can't go back to them for whatever share we have to pay for the cost of the appraisal. Councilman Diffendorf said it would be a first to get something from the school.

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

MOTION CARRIED.

178-17
Agreement
City of Bing –
Hiner Rd.

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to enter into an agreement with the City of Binghamton regarding Hiner Road, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

OTHER:

Councilman Diffendorf questioned if we have an agreement with the City for water in an emergency. Supervisor Kniffen said they are looking to sell water since they have so much but when we first approached them they thought we wanted to purchase water on a regular basis, not just for emergencies. He doesn't think they've checked their valves yet, although we don't think it's a problem. Councilman Diffendorf said we used to have an agreement but somehow it lapsed. Mr. Blaise said he sent them an agreement a year or two ago. Councilman Diffendorf said it might be a good time to approach them about it since we are working with them on the Hiner Road agreement.

AUDIT AND PAYMENT OF CLAIMS:

179-17
Audit/Pay

Councilman Diffendorf 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 3, 2017, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Grubham seconded.

Discussion: Councilman Grubham questioned John Finch about the purchase of stone from the Town of Sanford. John said it was limestone for oil and stone on Woodlawn Drive. He said they had some stock piled but needed another 30 ton and the only place he could get it from at the time was the Town of Sanford. John said we did pay \$23.60 a ton, and that it's clean and ready to go for oil and stone. Regular stone you have to pay to have cleaned. He said that's the normal price for it.

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

MOTION CARRIED.

Hometown Christmas:

Supervisor Kniffen said the 3rd annual Hometown Christmas was held last Saturday and was probably the best one yet. There were activities going on all day, there was a huge crowd for the parade and the tree lighting went great.

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Kasmarcik Property:

Supervisor Kniffen said the Kasmarcik building is down but there's still a large concrete slab. Councilman Grubham said he should think it will be removed but he thinks they were surprised with it there, that it's a very deep slab at least 8 feet deep. Supervisor Kniffen will check with the Land Bank.

OTHER:

Councilwoman Yonchuk moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph d of the Public Officers Law to discuss proposed, pending or current litigation. Councilman Diffendorf seconded.

180-17
Exec. Sess.
Litigation

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

MOTION CARRIED.

ADJOURNMENT:

Councilwoman Yonchuk moved to adopt resolution to adjourn the meeting. Councilman Diffendorf seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 8:00 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk