

# TOWN OF KIRKWOOD WORK SESSION

**February 27, 2018**

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  
William Tozer, Deputy Commissioner of Public Works  
Marchie Diffendorf, Planning Bd. Chairman  
Duane Travis, ZBA Chairman  
Alan Glover, Water/Wastewater Maintenance Crew Chief  
Chad Moran, Code & Building Inspector

## 1. All Inclusive Playground – Katie Legg.

In introducing Katie Legg, Supervisor Kniffen said she is always thinking about what she can do for Kirkwood. Katie ran the Friendship Tree for many years and is the creator of Hometown Christmas, which is a huge success. Her latest idea involves Valley Park by extending the existing playground for people with challenges.

Katie provided a hand out including very specific information regarding her plans and goals for this project which is on file in the Town Clerk's Office. She said this idea came to her when she was still involved with the Friendship Tree but it never came to fruition. Just recently she expanded on the idea and discussed it with Pat Griffin and others. She calls this "Inspiration Play Place", which is an all-inclusive playground and is for every community that deserves access to fun, social and multigenerational play. Her group is call "Friends of Kirkwood Parks" and their mission is to provide a fun, safe and inclusive play space where children of all abilities can grow and learn through physical, emotional, sensory and social experiences. She noted that Kirkwood's welcome sign says "A Caring Town Proud of its Community" and this project will definitely show how caring the Town of Kirkwood is for its community. She explained that an inclusive playground addresses the needs of all people and challenges them at their own developmental level and would be for all children and adults with disabilities. She said play breaks down barriers and unites us all. It is designed to have usability for people of all abilities and definitely gives opportunities to children with developmental needs and gives them the opportunity to be around other children that may not have disabilities. As a place to play for everyone, Katie said that means developing children, those with neurological disabilities, intellectual disabilities, those who require wheelchairs or other medical equipment, those with physical, social or emotional difficulties, etc. as well as friends, caregivers and teachers. Katie reviewed the benefits of an accessible playground. She said something as simple as accessible surfacing can make playground equipment navigable for wheelchairs and people who use them. She noted this would be beneficial to elders who may use a cane or other equipment to navigate as well. It allows children that are in a wheelchair to be children

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so they are like everyone else and they can cooperate and play with children of all ability levels and backgrounds and be prepared for a diverse world and workplace as adults. She noted again it is not just children who will benefit. She added there are far more adults with disabilities than children. Development benefits were listed as physical, cognitive, communication, social-emotional and sensory. She said out of 1,000 people between the ages of 3 and 21, approximately 85 have a disability, which is over 6 million children in the United States. In Broome County the estimated percent of people with a disability is 12% – 16% of the population. For Kirkwood's population, 12% to 16% would be between 720 and 960 people in our community with a disability.

Katie reviewed some of the pros and cons for the project. The pros are: playground for every ability; brings families together (young and old); educational (sensory); handicapped children having parties at the park; entertaining; Kirkwood would be a role model for other rural towns and communities; add to Kirkwood's appeal. The cons are (probable, not definite): liability for the town; increase town insurance; damage from floods; maintenance; cost-funding.

Katie reviewed some of the pros and cons about possible locations for the playground. The pros in regard to Valley Park: Easy on/off Rt. 11, Rt. 17 and Rt. 81; more accessible to the community; closer to parking lot; room to add on; reduced vandalism; close to grocery store; close to apartments and senior housing within walking distance, close to State Police. The cons for Valley Park: flooding; traffic congestion; no bathrooms. In regard to the proximity to apartments, Katie said in the Anthos apartments alone, there are 264 families that don't have access to a play area. The pros for Veterans River Park: lots of parking; existing handicap bathroom; room to add on. The cons for Veterans River Park; flooding, walking distance from parking lot; limited visibility; higher vandalism rate. She added the only people that would see the playground on a regular basis would be people that are crossing from Kirkwood to Conklin. Katie said these are the reasons they would like the playground located in Valley Park instead of Veterans River Park.

As to the design, Katie said it has to have accessibility, an inclusive play structure, sensory stations, seating, shaded area, accessible walkway paths, handicap accessible portable bathroom(s), and additional handicap/regular parking. In regard to the sensory stations, Tim Kane, school psychologist for the Johnson City School District, said they are seeing a huge increase in children with sensory integration issues. These playgrounds give them stimulation and they are really needed.

Katie reviewed a detailed drawing of the proposed playground, incorporating the existing playground. She said they would like to add a sensory station wave and remove one of the existing swing sets and add a harness swing set. On the second swing set they would like to have a regular swing as well as a wheelchair swing. That way children with and without disabilities can play together. They would like to add a music station and an accessible play structure that has a ramp. They will put in benches as well as a cantilevered structure for shade with 2 ADA picnic tables that are longer at one end so a wheelchair can go up to them. She

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said they are not looking to have this space available for reservations, it would be on a first come, first served basis. Katie noted that the shaded area is very important since a lot of these kids are sun sensitive. She provided the Board with letters from families that would utilize this facility. A handicap parking lot is included in the design as well as a portable handicap bathroom. She said when they looked at our parks there really aren't any designated handicapped parking spaces, even though park rules say there are.

Katie provided pictures of various equipment and prices and discussed various options for things like an accessible playground structure, sensory station (wave arch), music feature, Zero – G Swing, inclusive merry-go round, swing set with wheelchair swing, cantilevered structure (shade cover), etc. She said they met with Play By Design who put the Rec Park playground in, noting they would talk to the community, be involved with the design and building at an estimated cost of \$250,000 to \$300,000 to do the project (including equipment). Her group researched this further since they would like to keep the budget at about \$150,000 to \$200,000, and said if we do the project ourselves it would give us more flexibility. She said they could hire one of the playground equipment companies' project supervisors to supervisor the construction for about \$2,500, as opposed to \$25,000 to build it for us. Whether they have a contractor do it, or do it themselves, they are planning on doing a community build which offers cost savings because they will save on labor, it gives the community pride, there would be flexibility of design and materials and it would be designed in compliance with ASTM (American Society for Testing Materials) and ADA's accessibility guidelines. With the community build they would have various committees for fund raising, building, etc. Katie said we have wonderful people in the community and she has no doubt they can get the volunteers for the project.

A list of the estimated project costs was submitted and reviewed, with Katie noting that if this project is approved they would put it out to bid and do research with various playground people. The total estimated cost is \$167,650, not including excavating and tamped rock for surfacing, and signage. She also noted that the estimated costs do not include insurance, permits, labor, a portable handicap bathroom, maintenance, etc. In regard to the flooding issue, Katie said some of the products have a ten year warranty and even if it floods, it's covered. She noted that this is not an area with running water, only standing water, so we fair better with that.

Katie said if funding allows it they would like to construct it in one phase, if not they will do it over a period of time. She explained that the first phase would be taking care of the existing playground and make it accessible. They would do ground resurfacing of the existing playground, replace the existing merry-go-round, add a handicap swing to the existing swing set, add three park benches and a portable handicap bathroom. In response to Councilman Diffendorf, Katie said it would be an option to keep the existing merry-go-round and add the new one. She also noted the dimensions of the playground will be 60' x 120', which will double the size it is now. The second phase would be to add the play structure, two benches and ground surfacing. The third phase involves adding shade cover, the sensory wave, music

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feature, swing with wheelchair accessibility, two benches and ground surfacing, and the fourth phase will be adding a handicap parking lot.

In regard to funding the project, Katie explained they would do a lot of community outreach by contacting groups, associations, and community members, local, state and county representatives. They will write their own grants and hopefully utilize the Town's new grant writer as well. She said there are local foundations they can write grants to, noting that she wrote grants for the Friendship Tree and Pat Griffin has a background with this as well. She said there are many national inclusive playground grants that they can choose from as well as local, state and county grants. They will go after monetary donations from corporations and, small business and materials donations from local companies. They will look at getting memorial donations, donations from community members, have fundraising events and do a campaign mailing as well. She noted several options they might use to recognize those who donate to the project.

Katie said at this time it is unclear how funds would be received and disbursed for this project, whether or not the Town can accept this type of money they are trying to raise for a playground of this nature. They are looking for advice from the Town Board and the Town's lawyer. If the Town is able to receive these funds she questioned if the Town will track funds and make the disbursements, or if they should form a 501c3 non-profit to receive and disburse money and use their own tax identification number. Katie said they also need legal advice about insurance and permits needed. If they continue to move forward with the project there are a number of things they will need to have answered.

Katie stated that ultimately the Friends of Kirkwood Parks would like the Town of Kirkwood to consider this project for approval. She said we would like to work together to move forward with the planning and development of an all-inclusive playground for our community and neighboring communities. We can grow as a community and be a leader and set an example for other communities. This is an example of what a caring town proud of its community can do when we all work together to make a difference.

Councilwoman Yonchuk questioned how anyone could become a member of Friends of Kirkwood Parks. Katie said they are hoping everyone would like to get involved and work together as one big group to make this project happen. Councilman Weingartner said he thinks a good source would be the group from the Town of Union, who have been trying to get an ice rink there for years as a community project. Katie also referenced that she has been to Rec Park and Otsiningo Park looking for ideas, and commented on various aspects of those parks. Councilwoman Yonchuk suggested that Katie contact Habitat for Humanity since they did a lot of the construction for the accessible playground at Rec Park and they are looking for more outreach from eastern Broome County.

Councilman Weingartner questioned if the person they talked to about the warranties knows the extent of the flooding that occurs at Valley Park as opposed to Veterans River Park. He said

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Veterans River Park has been flooded twice, in 2006 and 2011, and his thought is a good spot would be at the north end of Veterans River Park near the big parking lot where there are a couple of pavilions and it is paved as opposed to Valley Park that is not paved. He said even though the flooding in Valley Park is not moving water, it is moving when it comes in and moves out. Katie said she did not talk to anyone about Veterans River Park because one of the biggest concerns is out of sight, out of mind, and vandalism. Councilman Weingartner said those are good points, but financially it's a concern with the flooding when it involves playground equipment. He said he's lived here his entire life and that park floods about every other year, even though sometimes it's for only one day. Katie said they will really talk to the company about flooding before any decisions are made. In response to Tim Kane who questioned how many times the equipment in Valley Park has been replaced due to flooding, Councilman Weingartner said that's different equipment and the ground cover is a concern.

Supervisor Kniffen questioned how we proceed with this, that it's a group of citizens coming forth to use the town park, we maintain and manage the parks, if we need an agreement and a resolution, and what the legal ramifications might be. Mr. Blaise said it has to be determined how much it is going to cost and how it will be paid for. In making a comparison he said in one instance it's a Town project with the Town paying for the whole thing so it's no different than any other public works project. In the other case it's a private group that will get funding for it and will gift it to the Town, or somewhere in between. He added that legally you can't have a private group owning or controlling Town property and they wouldn't want that either. Supervisor Kniffen questioned if we move forward together on this with the thought they will do a lot of fund raising on their own, if the Town can contribute anything. Councilman Weingartner said it's similar to a situation at Donnelly School, a group of people contacted the school, raised the money and built a playground and now the school takes care of it. Mr. Blaise said from a legal perspective it just comes down to they are raising money to give to the Town to build this. Supervisor Kniffen questioned if a resolution isn't needed to let them go into our park and do this, and why wouldn't we give them approval now to go ahead and do this instead of waiting until they raise the money. He said he wants something more formal. Mr. Blaise said the Board can give them a resolution of support for this project but nothing more specific than that because we don't know how much the project is going to cost. Supervisor Kniffen would like a resolution crafted to cover that, and if any number of things happen we are still with them on this. Councilman Grubham said he thinks getting the money is going to be the easy part of this and he thinks it should be a community project, not the Town Board doing this. He said there are questions the Town Board has to get answered. In regard to the insurance, Mr. Blaise said we should contact Pat Regan as to how it's affected during the construction process as well as the completed project. Various aspects of insurance ramifications were discussed. Councilman Grubham said at this point he thinks they just need to know that we think they should go ahead with the project. Supervisor Kniffen agreed but added that he doesn't want them to get so far along and get the rug pulled out from under them. Councilman Grubham said even if it would take a little longer to get things going he would be in favor of them doing the whole project at one time, not in phases. Councilman Weingartner said he thinks the parking lot should go in first to get people into it. Supervisor Kniffen said he would

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think the Town would want to contribute something to this. Councilman Diffendorf said he doesn't think it would be money but rather doing some of the work like the excavating and putting the parking lot in. Numerous options and thoughts were discussed. Mr. Blaise noted to the committee that they should definitely look into how they are going to handle all the money they will be taking in for this project. The Board will discuss this and determine which park they would like this added to.

## 2. Discussion – “Think Differently.” (GEK)

Supervisor Kniffen said an upstate municipality framed this. Councilman Weingartner said “Think Differently is totally different than the “Think Differently Initiative”. “Think Differently” is a Christian based bible study. So this should be “Think Differently Initiative”. Resolution.

## 3. Discussion – Nexamp Community Solar. (GEK)

Supervisor Kniffen said he thinks we should have some kind of closure on this and since that meeting there have been comments that if we want to go any further we ought to invite other people, not just one source. Board members noted they have received information in the mail from another company and Councilman Weingartner noted he doesn't think we should get involved in it, these are private companies.

## 4. Discussion – Traffic – Conklin/Kirkwood Bridge – Request Lower Speed Limit. (GEK)

Supervisor Kniffen stated that Councilman Grubham noted a concern with Dick's opening in Conklin, and we can already see it happening, that people would come through Main Street and there would be a traffic concern. A blinking yellow light was suggested but the County said they think the preferred way would be to lower the speed limit and to do that the Town would have to solicit DOT. Councilwoman Yonchuk said there is equipment to measure the amount of traffic and speed, but it isn't cheap to have it done. Councilman Diffendorf said it's 55 MPH now so we can request 45 MPH. Councilman Grubham said that intersection is a concern because people are going much faster than the speed limit now. Councilman Weingartner said it should be reduced to 45MPH with no passing, since there is an area of that road where you can pass. Resolution.

## 5. Discussion – Shop Heaters – Resolution rescinding Resolution # 40-18 adopted February 6, 2018 and ratifying a resolution authorizing the purchase of two (2) heaters for the garage bays from Evans Mechanical, Inc., at a cost not to exceed \$6,050, which includes installation and prevailing wages, in accordance with the attached quote. (GEK)

Supervisor Kniffen explained that the apparent low bidder actually was not since their bid was for one heater only. Mr. Blaise explained that we have to rescind the resolution that we

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previously adopted and adopt a new resolution awarding it to Evans at a cost not to exceed their quote. Resolution.

6. Discussion – Electronic Sign Board – Robbins Signs - \$384.20. (ONB)

Mr. Blaise explained that we awarded the bid to Robbins for the electronic sign board and afterwards they notified us they didn't completely include prevailing wages in all parts of their bid. Since the difference is only \$384.20 it doesn't need to be re-bid because the next bidder to them was thousands of dollars higher.

7. Discussion – Investing Available Funds. (ONB/GEK)

This item was addressed at the Special Meeting held earlier.

8. Discussion – Support for GIS Mapping for Water Department. (A. Glover)

Alan Glover said this request is for the renewal for a mapping system for our utilities that was forgotten. It's for a 5-year plan at a cost of \$5,400 and covers all the support for the billing system. This will come out of the water budget. Resolution.

9. Discussion – Purchase of 2004 F350 Pickup. (B. Tozer)

Bill Tozer said we are looking to purchase a used truck to update our service truck which is a 1988 Chevy that had 94,000 miles on it five years ago and the odometer is broken. The truck they want to purchase is a 2004 F350 regular cab. They plan to remove the box from the old service truck and install it on the new one. It is currently on Auctions International and although it's not running at this time he is confident that he can get it running for minimal cost. He said the worst case scenario would be an engine and Don's has one in stock for \$800. We want a truck that is four wheel drive that can haul a trailer as well. He said the Kelly Blue Book lists it from \$5,000 to \$8,000 and we are looking to put a maximum reserve bid on it of \$3,500. He said we could get it for much less, that the current bid is \$1,225; the auction ends in two days. He said the money we have from Auctions International will pay for this as well as the fact we will be sending the current service truck to the auction. Resolution. (Special Meeting will be reopened.)

10. Resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to Section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue license for the following mobile home – trailer park, such license is for the year 2018:

Moore Mobile Home Park, 376 Johnson Road, Kirkwood, NY 13795

Owners: Josh Hunt

Resolution.

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## **11. Discussion – Grant Business. (GEK/LCG/JAF)**

Supervisor Kniffen stated that we have an agreement with Strategic out of Albany to write grants for us. Supervisor Kniffen, John Finch and Councilman Grubham met with them and gave them the following projects: Highland Heights water tank which is about a \$290,000 project, drainage at the highway garage which our Town Engineer is working on, and the highway garage itself. He said we bought land that is elevated and the thought was if the flooding keeps up we may want to move up there some day and we have not done anything with the land. He noted that John looked at a new highway facility in Lafayette which cost about \$3 million.

Supervisor Kniffen reported that the owners of the motel on Upper Court Street have not paid their taxes so the County is foreclosing on them. They will give it to Kirkwood for \$1.00 but then the question would be what would we do with it. He said the Land Bank is already looking at it and there is the possibility of a grant. He said it's not just the situation of an eyesore but possibly someone might want to elevate the property and build something there. He said another part of that would be to get DOT out of there as well as get the creek straightened out, which would cost a lot of money.

## **12. Audit of Claims.**

Councilman Diffendorf questioned why we hired Gary Dyer to come in and replace a hydrant and repair a water valve that was leaking at a total cost of \$5,000. Alan Glover said the issue on North Woodhill was paid for by insurance. Councilman Diffendorf said if the insurance pays for something and we don't spend it we get to keep the money, that it was FEMA money. Bill Tozer said we could have done it but John Finch made a judgement call. Councilman Diffendorf said we need to do this kind of work, that it's not deep work.

Councilman Diffendorf questioned why we hired welding on a bucket. Bill Tozer responded that we don't have the tools to do the work required, explaining the details of the work involved and noting one of those tools is a stick welder.

## **13. Executive Session.**

See Special Meeting minutes.