

TOWN OF KIRKWOOD WORK SESSION

May 29, 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
John A. Finch, Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman

Tribute to Officer Christopher Skinner.

Ed Egan stated that a few years ago a NYS State Trooper, lifelong resident of Kirkwood and a member of the Five Mile Point Fire Company, was killed in the line of duty. Mr. Egan would like the Town Board to consider naming the walking track at Valley Park after Trooper Skinner, who gave his life for us.

Supervisor Kniffen said when that happened we had the family here and honored Trooper Skinner since he was a Kirkwood resident, noting that every day law enforcement put their lives on the line. He said the Board will take this under consideration and discuss it.

Discussion: (Later in the meeting.)

In addition to Mr. Egan's request to name the walking track after Trooper Skinner, Councilwoman Yonchuk said we previously had a request to name the Grange Hall Park after Kevin Tarsia, and at that time we talked about the concerns involved because there are so many deserving people, noting these officers died in the line of duty, which is beyond just about any other tragedy. She said we voted against doing that but there is a memorial at GHR Park for Kevin Tarsia. Although Chris Skinner was a lifelong Kirkwood resident, a volunteer firefighter as well as a Trooper that died in the line of duty, Councilwoman Yonchuk said she would like to see something like a nice memorial plaque in an appropriate place, rather than naming something after him. Councilman Diffendorf said he agrees, adding that we need time to digest this since it's something so emotional. Councilman Weingartner agreed with Councilwoman Yonchuk, adding it would be different if there wasn't some type of recognition out there, citing the bridges in Castle Creek. He said he does like the idea of a plaque or something similar. Councilwoman Yonchuk suggested possibly incorporating a plaque with the reconstruction of the covered bridge. This will be discussed further at the next meeting.

Water Bill Issue.

Bob Pflanz addressed the Board, stating he received a \$1,400 water bill for the period December to May. He explained when they came back from Florida the meter that comes into the house had a leak and there was 8 to 10 feet of water in the cellar. John Finch said the meter and one or two pipes froze up and the water ran for months in the house until someone

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found it and shut it off. The property is located on Route 11 in Riverside, and it is a water bill only, not sewer. Mr. Pflanz said he had the heat set around 62 degrees and his son had been checking on the furnace. He said he had to have a new furnace and hot water tank installed and plumbing, and said the Town put a new meter in.

Supervisor Kniffen said that's unfortunate that it did freeze up and there was a loss of so much water, but unfortunately we have to pay for all that water. John Finch said they turned it into their insurance but the claim was denied, which he doesn't understand because it is a legitimate bill, due to the fact that the pipes froze. Supervisor Kniffen said he doesn't feel there is anything the Town can do because of how this happened but he will contact the insurance company on behalf of Mr. Pflanz to see if there is something that can be done. Mr. Pflanz added that the insurance company took care of most of the rest of the bill but there is other work that needs to be done and they will pay for that also.

1. **Bid Opening.**

Bid opened by Councilman Diffendorf:

J & K Plumbing & Heating Co., bid \$52,000.

Councilman Grubham said a bid was delivered today after 4:00, which was definitely after the 3:00 deadline. In the bid notice it states: "All bids received after the deadline date and time stated above will not be considered and will be returned unopened to the bidder. The bidder assumes responsibility for having the bid deposited on time at the place specified above." So, the bid that was submitted late will be returned. A cost estimate of about \$30,000 was originally received for the project and it is not an option to spend \$52,000 so the bid will be rejected and the project will be re-bid. Resolution.

2. **Discussion – Water Bill – 605 Upper Court Street – John Boyd.**

In referencing a previous discussion regarding the fact that the owner of 605 Upper Court Street received a water bill for over \$2,000, Supervisor Kniffen explained that we checked into the meter and our pipes and found no leaks or issues, so it was determined that it must be something inside the home. He said he recently talked with John Boyd about that and he indicated he might come to this meeting to discuss it. At this point Mr. Boyd was not in attendance. John Finch added that the actual bill was \$2,677 which included both water and sewer.

3. **Resolution, ratifying a resolution hiring Terry Everett as Laborer to work in the Parks Department effective May 9, 2018 for 90 days at a rate of pay of \$12.82 per hour. (JAF)**

Resolution.

4. **Resolution, ratifying a resolution hiring Austin Haskell as Laborer to work in the Highway Department and Water & Sewer Department**

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**effective May 30, 2018 for 90 days at a rate of pay of \$12.82 per hour.
(JAF)**

Resolution.

5. Discussion – Covered Bridge Roof. (JAF/LCG)

John Finch reported we received three quotes with the lowest quote being \$10,200 from Weathermaster Roofing. He listed everything included with the quote. John said after the work is done we will need to have the outside of the covered bridge stained and he is hoping it can be done in house and possibly get the inside stained by a community service group. He noted that we could possibly get a lift to use for the outside. Resolution.

6. Discussion – Certification of Incorporation of Kirkwood Town Fair, Inc. (JAF)

John Finch explained this is being submitted since there are some position changes on the Town Fair Board. Mr. Blaise questioned why Town Board approval is needed. He said the Town Fair, Inc. exists as a separate entity and the Town provides no coverage like we do for the fire companies, which is why we approve their rosters. He suggested that the Certification of Incorporation be filed in the Town Clerk's Office for informational purposes only, that no resolution is required.

7. Discussion – O'Dea Property. (GEK)

Supervisor Kniffen noted that in past discussions the concern was access to this property. He said he recently spoke to Dennis O'Dea about this and he laid it out and it looks like we would have plenty of room to get in and out of there. John Finch added that it looks like it's a lot closer than we thought to the sewer station and NYSEG's substation, there would be just a little bend around the pond. Councilman Grubham said if we're going to do it that would be OK. John said it would go through the field that is plowed and planted. Councilman Diffendorf said that sounds a lot better. Mr. Blaise said the alternate point of access was the concern. After further discussion it was determined this is in the easement that has already been drafted. Mr. Blaise read the description from the easement, and he noted the Deed has already been signed. A resolution will be needed to accept the transfer and authorize the Supervisor to sign.

8. Discussion – Request for Change in Zoning for 175 and 189 Cedarhurst Road. (GEK)

Supervisor Kniffen explained that this request for a zoning change was passed on to the Planning Board for their recommendation and they turned it down. Broome County Planning turned this down as well. Although Councilman Diffendorf questioned if a resolution wouldn't be required to deny this, Mr. Blaise explained that since the Board is in agreement with the recommendation no further action is required.

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9. Discussion – Amendment Agreement with Strong Capital X, LLC (Railroad Management Company IV, LLC). (GEK)

Supervisor Kniffen explained that we've been paying \$400 a year for many years and they decided to raise it all at once to \$2,000, which is a 500% increase. The Town's Assessor worked on this and negotiated it to \$968 for 2018 and increasing up to \$2,000 by 2022. It was noted these are fixed figures. John Finch said these are sewer lines by the tracks that connect our lines to the City lines. Mr. Blaise added that Scott Snyder was able to determine the location, that the lines are not where we thought they were initially. Resolution.

10. Discussion:

Health Insurance into retirement for current part time employees.

Vacation credits for permanent part time employees.

Sick leave and personal leave for can be used in ¼ hour increments rather than 1 hour increments. (GEK)

Supervisor Kniffen explained this pertains to the Town's part time employees and has been before the Benefits Committee of John Finch, Councilwoman Yonchuk, Mary Kay Sullivan, Jean Smith and Supervisor Kniffen. He said that while part time employees get individual health insurance, they don't get it into retirement and that is one of the things the Benefits Committee wants to do, to include that, the same as any with other retirees, continue with the insurance until they go into the Medicare pool, which is \$2,400 a year. He said they are suggesting vacation credits for permanent part time employees just like our full time employees and changing how sick leave can be used. The way it is now to take sick leave or personal leave you have to use a whole hour and the Benefits Committee thought it should be changed to ¼ hour increments.

Although Councilman Diffendorf said he would like time to look at this, he said that not that long ago we were cutting back and now we're in the giving mode. Supervisor Kniffen said the Committee thought it was the right thing to do. Councilman Diffendorf said it wasn't that long ago that some of these part time jobs didn't even have health insurance. He said he would like to know the history of how this evolved.

Supervisor Kniffen said in the late 1990's we revamped the whole benefits system or we would have gone broke and that's when that started. He said we identified the part timers not by hours, but by occupation. He said we've cut back a lot for future employees coming in. He said maybe we could look at this as making a wrong right. He added that there was a time when he didn't think part timers should get anything, but people work to raise families and pay the bills so he questioned why they shouldn't have partial benefits. Councilman Diffendorf questioned why we would offer a part timer early retirement at 55 when their part time position would allowed them to stay with the Town's insurance until they did qualify for Medicare. He said he doesn't know why a part timer should retire at 55, because that means we're picking them up for 10 or 11 years on insurance before they qualify for Medicare. Supervisor Kniffen

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said with most of our full time employees it's at least 2-person coverage and this will always be individual. Councilman Grubham questioned if the cost of single coverage is about \$12,000, adding this could be for about 11 years.

Councilwoman Yonchuk questioned if we pay 100% of their insurance when they retire before being eligible for Medicare. Councilman Diffendorf said the employee does not contribute after they retire. Supervisor Kniffen added that active employees contribute. Councilman Weingartner said that he thinks it would make better sense that when a person retires they would pay whatever percentage of the premium they've been paying, rather than not pay anything. Councilwoman Yonchuk questioned why we would pay 100% when someone retires when we've never paid it when they were working for us. Supervisor Kniffen said that's a good point. Councilwoman Yonchuk added that with part time employees that have been here 15 or 20 years she thinks we do need to help them into retirement, maybe not as much as a full time employee, but we should not give them more than when there were working here. Supervisor Kniffen said this applies to a regular full time employee with individual coverage also.

Councilman Diffendorf said these are part time workers and we're giving them a big advantage to retire to go someplace else and work because they have health insurance. Supervisor Kniffen said that's true with full time employees as well. Councilman Diffendorf questioned if the thought isn't that full time workers are just a little bit different than part time workers. Supervisor Kniffen said the difference is part time employees only get individual coverage and full time employees get whatever they need due to the makeup of their family. Councilman Weingartner said we're locked in with the Union and we can't change that. Supervisor Kniffen said what we've tried to do is whatever we've negotiated for with the Union we try to negotiate that for the non-union employees. Councilman Weingartner said he assumed that whenever a person retired from the Town as a full time employee that they would pay the same portion of their insurance premium as they paid when they were working. He did not realize they got bumped up to free health care. Supervisor Kniffen said another way to look at it is they won't have the same amount of income when they retire. Supervisor Kniffen suggested this be sent back to the Benefits Committee.

11. Discussion – Transfer from the Sign Reserve Fund. (ONB)

Mr. Blaise explained that the sign was paid for out of the general fund and Jim Smith wants to take money out of the Sign Reserve Fund to reimburse general fund for part of the cost of the sign. There will be a referendum period involved. Resolution.

12. Resolution pursuant to section 3A(e) of Local Law No. 2-1976 entitled “A Local Law Regulating the Use of Parks of the Town of Kirkwood”, authorizing the Town Clerk to issue a permit to the Kirkwood Town Fair, Inc., for the use of the entire Kirkwood Veterans River Park on

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August 9, 10, and 11, 2018 without any permit fee to guarantee proper clean up after each use.

Resolution.

13. 2018 Agreements:

Police Athletic League (PAL)

ACHIEVE

Supervisor Kniffen reported that last year two children from Kirkwood attended the ACHIEVE program as well as one counselor. The PAL camp program has been going on for a long time and last year six people from Kirkwood attended. Resolution.

14. Resolution acknowledging that the calendar year 2017 internal audit of the Justice Court records and dockets were examined by Budget Director, James Smith, and the fines therein collected have been turned over to the proper officials of the Town as required by law, pursuant to section 2019-a of the Uniform Justice Court Act, in accordance with the attached report dated April 19, 2018.

Supervisor Kniffen explained that every year an audit is conducted of the Justice Court by Jim Smith and he submits a report to the Board for review. This resolution accepts that report. Resolution.

15. Audit of Claims.

Resolution.

16. Executive Session.

Councilwoman Yonchuk moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph h of the Public Officers Law to discuss the proposed acquisition, sale or lease of real property. Councilman Diffendorf seconded.

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

MOTION CARRIED.