

**TOWN OF KIRKWOOD
WORK SESSION**

February 26, 2019

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

Also Present: Angelo Catalano, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
James Smith, Budget Officer
Marchie Diffendorf, Planning Board Chairman
Duane Travis, ZBA Chairman
Kelley Diffendorf, Deputy Town Clerk

1. Dog Control. (GEK)

Supervisor Kniffen explained that certain employees that don't punch a time clock, like the Dog Control Officer, have to fill out a form as to how many hours they spend on the job and give that to the Board for certification and submission to the pension department. The Dog Control Officer did entries for all of 2018 and on occasion in regard to phone calls, no matter how long the call lasted, she put down an hour. I told the Dog Control Officer the best thing to do would be to stop right now and complete a log for the next three months as to her time by putting down the actual amount of time spent instead of a minimum of one hour. It will be processed by Mary Kay as to the total hours worked to be turned into the pension fund. This will come back to the Board at the end of the three months.

2. Discussion – Vieira & Associates CPAs, P.C. Agreement – Justice Court Finances and Records. (GEK/JRS)

Mr. Smith stated that this is required every year. The court changed systems towards the end of 2017 which gave them a lot of advantages for their day to day things but there were also some complications so I helped pretty intensively with that and it crossed into 2018 and I felt like I couldn't audit my own work. For a time we thought we'd have a town wide audit for 2018 because of all the federal assistance and if we had that the court, as part of the town, would be a part of that requirement. But after updating for some technical issues with the federal funding, that town wide audit is not going to be until 2019 so we're doing what's called a re-procedure engagement with Vieira & Associates, who have been in here before auditing for the town. It's kind of a minimum thing and we'll do that again for 2019.

3. Discussion – Johnson, Lauder & Savidge, LLP agreement – 2018 Flood Remediation. (GEK/JRS)

Mr. Smith explained there's the same type of issue with FEMA. That's going to be intensive stuff between the federal requirements and the Federal Highway Administration and in addition

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to helping them we have a lot of other internal stuff that is stepping up the usual Comptroller stuff that I'm involved with. The supplemental agreement deals with that eventuality that we're going to be spending more time getting ready for the audit and helping the auditors to meet the federal compliance requirements.

4. Discussion – Request from Roger Studer, d/b/a Studer's Body Shop & Garage to increase the tow charge from \$50.00 to \$150.00. (GEK)

Supervisor Kniffen said this is the annual agreement with Roger Studer for towing of any cars left along the roadside. Councilwoman Yonchuk noted a new agreement will be needed since this involves a change in the tow charge. Councilman Weingartner said this new charge would be very much within current rates, and it doesn't cost us anything. Mr. Finch said I had a car on S. Woodhill in the Town's right of way towed during one of the recent snow storms and that's what prompted the request for this change since Roger went back to the original agreement and saw that it was only \$50. Supervisor Kniffen said we'll need a resolution to amend the original agreement. Mr. Catalano will look into this since a car was already towed and there is currently no signed agreement. Mr. Finch said this is the first time in a long time that a car has been towed for the town. In the event the owner does not pick up a vehicle within ten days this is the amount the town would pay, but the owner did pick up this vehicle and I don't know how much he was charged. Councilman Grubham said if Roger picks the vehicle up I don't know why we would be involved paying for it since he has the vehicle and if the guy doesn't pay him eventually he can sell the vehicle or do something with it. He'll get his money back. Councilman Diffendorf said this all started for abandoned vehicles when scrap was nothing and Roger had the insurance and we would pay him to take the vehicle and he would get reimbursed. Mr. Finch read from the agreement, "any storage costs within the ten day period provided above, said vehicle will be sold by the Town. In such event, the Town agrees to pay Studer's \$150.00 for each abandoned/parked vehicle towed by Studer's." So if the vehicle is not picked up we could actually confiscate the vehicle ourselves and sell it. Councilman Grubham said the problem with that is we would still have to get paperwork and it's not inexpensive what we would have to do. If there is no paperwork on the car it would be difficult to sell it and you can't even take it to a junk yard without paperwork.

5. Discussion – Broome County Risk Management – Workers' Compensation Claim Paid. (GEK)

Supervisor Kniffen said that a year or so ago we were looking at Workers' Compensation carriers other than PERMA that might be better for the Town of Kirkwood so we went to the County. At one time we were with the County and left for a better deal. When we talked to the County last year they looked into their files and they said we found an old bill of yours that was never settled that was a claim while you were still with us, and then you left and we feel it should have been paid for by the Town of Kirkwood as part of the agreement. Supervisor Kniffen said I don't know anything more about it but it raises the question that maybe we already paid for it. This is a claim from 1964. Mr. Catalano said there certainly is a statute of limitations for a breach of contract of six years in New York State so I would think you have a

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pretty good defense for statute of limitations. Supervisor Kniffen will reach out to the County for more information.

**6. Discussion – Vacancy on:
Board of Assessment Review
Ad Hoc Member for the Zoning Board of Appeals – Marc Latini.
(GEK)**

Supervisor Kniffen said Marc Latini is interested in filling the position of Ad Hoc Member for the ZBA and Mr. Travis would like us to appoint him. As far as the Board of Assessment Review, Supervisor Kniffen asked that everyone ask around and if no one is found then we will advertise for the position. The Board meets one day in May for two two-hour sessions and training is required.

**7. Discussion – Resolution amending Resolution # 44-19 authorizing
Chad Moran to attend the New York State Code In-Service Training
on May 9, 2019, June 20, 2019, and October 10, 2019 at Binghamton
University, at a cost of \$120.00, with all reasonable expenses paid.
Resolution.**

8. Discussion – Purchase of the 2008 Chevy ½ ton Silverado. (JAF)

Mr. Finch provided an update on the purchase of the 2008 Chevy that we bought from the school district with 29,000 miles on it. He said we replaced the box, brakes, rotors, calipers, battery, rocker panel, bed rail, mud flaps, bumpers, etc. for a total of \$12,413, including the cost of the truck. We sold the 2010 Chevy with 101,000 miles on it for \$8,400, we sold the 7 ½ foot snow plow that came with the 2008 Silverado for \$1,200, and sold the rusted box for \$460 for a total of \$10,060. We purchased another box with no rust for \$550. So the 2008 Chevy Silverado ended up costing us \$2,353 when we were all said and done with it. It drives like a new truck and should last us quite a while.

9. Discussion – Sewer Stations on NIFB. (JAF)

Mr. Finch said we talked about upgrading the Penske Pump Station with communications so someone can monitor that to our computer. We budgeted \$3,960 this year to do that. I asked the gentleman that does the upgrades how much it would cost to do our final pump station which is the one down the road from the Penske Station. He gave me a price of \$6,920 to do both of them, which is just under \$3,000 more to do both this year. If we do it this year we'll save almost \$1,000 and possibly more. Then we will have all of our sewer stations on communications so we can monitor alarms. The \$2,960 would come out of the \$5,900 in sewer contingency for that district and we wouldn't have to budget for it next year.

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10. Discussion – Installation of One (1) Water Pump at City Line Booster Station. (JAF)

Mr. Finch provided the price for what it would cost to install one pump at the city line booster station since we never received a grant for that station, and said next year we can do another pump. It has been put on hold and needs to be done. The price of \$30,550 includes the cost of the pump and installation, everything except electrical, some of which has already been done. We did also get a price to install a flow meter. I asked the head of the Binghamton Water Department if we could come up with an agreement, since we will hardly ever use the station, just basically for testing on a regular basis, that in the event we do need it for an emergency we could monitor the flow based on how many gallons a minute the pump does pump, plus monitor the level at our tank sites and come up with an estimated amount of what water we used. The meter itself is \$10,000 plus installation so we're looking at about \$13,000 to \$14,000 for a meter we'll probably never use and if it sits there that long it's probably not going to be accurate anyway. He said he would agree to that and I said we would have Mr. Blaise draw up an agreement for the Mayor's and Supervisor's signature. We will let them know when we test it. Councilman Diffendorf said his thought is that we agreed that there will only be one pump on line, not a second pump. Councilman Grubham said he thinks we only need one pump as well, but we should get this one in. This is in the budget for this year.

11. Request from John Finch, Jr. to attend the New York Rural Water Association's 40th Annual Technical Training Workshop at the Turning Stone Resort in Verona, NY, to be held Tuesday, May 21, 2019 and Wednesday, May 22, 2019 at a cost of \$240.00. (JAF)

Mr. Finch said this is annual training for me to get my required credits for Water Treatment Plant Operator certification. Typically I would go for three days but I'm just going to drive up and back two days and the price includes meals. Resolution.

12. Discussion – Standard Work Day and Reporting Resolution for Elected and Appointed Officials – Christina Radicchi – Recreation Supervisor.

Supervisor Kniffen said in addition to the Dog Control Officer that we talked about earlier, the Recreation Supervisor is another position involved in reporting and she has submitted hours for the Reporting Resolution.

13. Audit of Claims.

No discussion. Resolution.

Water for West Windsor.

Councilman Weingartner questioned Mr. Finch if anyone has contacted him in the last few months in regard to an extension of water for West Windsor. Supervisor Kniffen said he has been in steady contact with the Windsor Supervisor and they are still looking for the money to

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do this. Recently she questioned if it is run up Foley Road if those people will contribute towards it and I told her no, that they would only pay for their water. It is still something they want to do to develop that area but it is currently at a standstill.

Donation Thankyous.

Councilwoman Yonchuk reported that she has received thankyou's from almost all of the charities that we contributed to.

FEMA Update.

Mr. Finch reported that everything has been completed on Brink Road with the exception of the paving, with Gorick Construction doing a really nice job. The paperwork has been submitted to FEMA. Everything is now being done on-line for FEMA which you would think would be easier, but it's a new process for them and it's making it harder for us. It will take a while to get money back from FEMA but eventually we will have it. I've also heard that NYS will be covering 12 ½ percent but we've yet to hear formally.

Supervisor Kniffen questioned if FEMA got the claim experience on the town garage. Mr. Finch said that was submitted and they are reviewing it now. He said it's definitely a viable thing that we can mitigate, which means relocating.