

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 4, 2019

A regular meeting of the Kirkwood Town Board was held on June 4, 2019 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

Present: Supervisor Gordon Kniffen
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilwoman Linda Yonchuk

Absent: Councilman William Diffendorf, Jr.

Also Present: Robert McKertich, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

May 7, 2019 Town Board Meeting
May 13, 2019 Special Town Board Meeting

PUBLIC PARTICIPATION:

Larry Holt addressed the Board about a concern with the water flow on Trim Street. He said I have been in contact with the County relative to the catch basin on Trim Street by the northbound lane of Route 81 because after the last few storms we've had, the sluice pipes were all plugged. They cleaned the sluice pipes all the way to Zimmer Road but they said they can't do anything with the catch basin and they've taken the grate off it and that's a safety problem because if a kid ever falls in that hole, he's not going to get out. After talking to the County I found out it's the State's responsibility. In 2011 the County cleaned that and they also did the pipe under the road and the pipe that goes between the northbound and southbound lanes of Route 81. I was told they did it as a courtesy for the State and I would have to call the State, which I did. On May 14th the State said we'll come up and take a look at it, but I haven't seen anyone yet. The water goes right over the top of it and then it forces its way onto Trim Street. I know it's not a Town problem because it's a County road, but this is what I'm running into. The other issue I have is about a pipe that goes underneath by Clines, and John Finch said he was going to call the County to clean it out, but nothing has been done there. Now this week Mr. & Mrs. Cline, who are in their 80's, were out there with their shovels digging a ditch. That has to be an easement, I don't think anyone owns that, because that goes right down to the catch basin and Langdon Park, and then into Langdon Creek. I got the DNA from the State and County, which means Do Nothing Administrators. I would appreciate any help from you to try to correct this situation. My son Jeremy lives right next to Route 81 and the State went up there and took a section of the fence out. What happens when it rains real hard is the water comes down off the bridge and has created a channel in Jeremy's driveway and runs down his driveway. This was about three weeks ago and no one has come back.

Mr. Finch said this is a State issue because it's the guardrails underneath the Route 81 overpass. I recently found out that all the guardrails underneath the Route 81 overpasses on our Kirkwood roads are the State's responsibility. We had the same issue on Blakesley Road where the catch basins were completely flooded and that's what washed out the lower half of the road.

Mr. Holt said over the years the ditch that goes along the southbound lane of Route 81 has formed a pond and it comes right over and onto Jeremy's driveway. It's supposed to flow back to the ditch on Trim Street but it doesn't.

Supervisor Kniffen said I will get in touch with the State's Regional Director tomorrow about these issues and report back to you. Mr. Holt added that Route 81 was built in 1966 and nothing has been done since then. Mr. Finch said as far as the drainage issue at Clines,

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I contacted Broome County and they are going to ditch that as soon as the ground dries out and they can get equipment in there. In regard to a leaf dumping issue referred to by Mr. Holt, Mr. Finch said I talked to one of the gentlemen to remove them and since they haven't been removed I will refer this to our Code Enforcement Officer, Chad Moran.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

PESH.

Mr. Finch said as a result of the visit from PESH in January, everything has been resolved with the exception of one more thing which involves a hearing test. My deputy has to wear a microphone for a day to measure the decibels where he's working to see if there are any issues with hearing, like when he's using a grinder or anything like that. That has to be done by July 17th. Everything else has been complied with and they will issue a letter when we're done stating that there are no problems.

FLOOD TASK FORCE.

Supervisor Kniffen said the Flood Task Force was started after the 2006 flood. At that time Senator Schumer and then Senator Clinton sponsored an appropriation of \$30 million to study the Susquehanna River Basin and it never happened. Kirkwood has a lot of correspondence between them, the Army Corps of Engineers and the federal government and after all these years, about a year ago, they finally approved \$3 million, but not to study the whole Susquehanna River Basin, just from the watershed at Cooperstown to Broome County. When the study was completed certain towns were designated as those that would be involved. In other words, Conklin floods worse than Kirkwood so Conklin is one of the municipalities they're looking at and not Kirkwood. There are others within Broome County and when they put all the numbers together, we're talking lots and lots of money and probably more than 50 percent is the burden of the municipalities and no municipality can raise that kind of money. I went to a meeting today and Senator Schumer is telling us to go back to the federal government and ask for more money. My experience is that if you want something from the state or federal government, you don't go directly to the President you go to your state and federal representatives, which should be Mr. Schumer. They are also saying that maybe you should go piecemeal and do one town and not another. Then what happens if Town A puts up dykes and now they have no flooding but that water that's displaced goes on to the next town and their flooding is even worse. It's frustrating and I think it's come down to wherever you live there are weather issues so if you live near a river you may get flooded. We fought so hard for this and it finally came and it wasn't what we thought it would be.

FORMER RITTER PROPERTY – WILLOW RUN ROAD.

Supervisor Kniffen said we're going to have a meeting with Willow Run to talk about the road. It looks like they may not be expanding. One of the problems is part of the land where they were going to expand on is sacred land and you can't build on it.

CANOPY GROWTH.

Marchie Diffendorf reported that Canopy Growth has withdrawn their application for Site Plan Review to move into the building across the railroad tracks at the end of Crescent Drive. Supervisor Kniffen added that Chad and I spoke with them on the phone today and they are withdrawing it and putting it over on the camp site. We asked them what were you going to do there and they said vaping, which is smoking. Apparently there are many things you can do with the oil from hemp. I asked them to email me and tell me exactly what you're planning on doing there since nobody seems to know that, other than you're going to process hemp.

COMMITTEES.

Supervisor Kniffen said I'm going to add two new committees to our list at the first of the year. For all these years I can only remember once that we did something for either Memorial Day or July 4th to honor our veterans. I'd like to see us do something special for these days so there will be a committee to plan something.

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OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution authorizing an extension to receive sealed bids for the purchase and installation of Stair Work at the Main Sewer Station, with bids returnable to the Town Clerk's Office on June 13, 2019 at 12:00 PM, and will be immediately opened and read to the public. Councilman Grubham seconded.

92-19
Bid Date
Extension –
Stairs, Main
Sewer Station

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution scheduling a Public Hearing for July 9, 2019 at 6:00 PM regarding the update of the Town of Kirkwood Comprehensive Plan.

93-19
Sched PH –
Comprehensive
Plan

Councilman Weingartner seconded.

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution ratifying a resolution authorizing Briggs Appraisal Service to do a Residential "Court Ready" Appraisal Report for 61 Main Street, Kirkwood, NY, at a cost not to exceed \$ 850.00 and if necessary to testify in court at a cost not to exceed \$ 500.00 per day, in accordance with the attached proposal.

94-19
61 Main St
Appraisal
Report & Court
Appearance

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution amending the Rules and Regulations Governing Attendance and Benefits for Town of Kirkwood Employees regarding paid time off to vote, in accordance with the attached plan. Councilman Grubham seconded.

95-19
Amend
Attendance
Benefits
Paid Time to
Vote

Discussion: Councilwoman Yonchuk said because it says all state and local elections, I read it to include all school elections and budget votes although it doesn't specifically mention them. Mr. McKertich said I think it's likely that you interpret it to include that. Councilwoman Yonchuk said I know of one town that has notified their employees that they're going to do this and since it has to be requested two days ahead of time, I personally think that request should be in writing, even just a simple form, which will make it cleaner for record keeping. Councilman Weingartner said that would be a good backup as a record that you put in for it because if you don't put in for it you don't get it. As for the federal part of it, one school district is giving employees Election Day off instead of an extra day around Memorial Day. Mr. Finch said Town employees already have Election Day off and it was noted there will be no issue with the union. Councilwoman Yonchuk said in terms of primaries and school elections it could impact us. After the next presidential and congressional elections I would like the federal government and the state do a study as to how much voter turnout has been impacted.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing Chad Moran to attend the STBOA training on June 26, 2019 at the Neptune Hose Company at a cost of \$ 35.00, with all reasonable expenses paid. Councilman Weingartner seconded.

96-19
C. Moran
Education -
Code

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

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MOTION CARRIED.

97-19
A. Glover
Education -
Water

Councilman Weingartner moved to adopt resolution authorizing Alan Glover to attend the Southeastern New York Water Works Conference on June 13, 2019 at the Sidney American Legion at a cost of \$ 31.00, with all reasonable expenses paid. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

98-19
Hire A. Haskell
Highway/W&S
Laborer

Councilwoman Yonchuk moved to adopt resolution ratifying a resolution hiring Austin Haskell as Laborer to work in the Highway Department and the Water & Sewer Department effective May 29, 2019 for 90 days at a rate of pay of \$12.82 per hour. Councilman Grubham seconded.

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

MOTION CARRIED.

99-19
Award Foley
Rd Culvert
Site #1 Bid

Councilman Grubham moved to adopt resolution ratifying a resolution awarding the bid for the Foley Road Culvert Replacement Site #1 to ZMK Construction, Inc., being the lowest responsible bidder at \$17,260.00. Councilman Weingartner seconded.

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

MOTION CARRIED.

100-19
Award Foley
Rd Culvert
Site #2 Bid

Councilman Weingartner moved to adopt resolution ratifying a resolution awarding the bid for the Foley Road Culvert Replacement Site #2 to ZMK Construction, Inc., being the lowest responsible bidder at \$24,429.00. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

101-19
Increase pay C.
Gee –
Open/Close
VR Park

Councilwoman Yonchuk moved to adopt resolution authorizing an increase from \$8.00 per day to \$10.00 per day for Charles Gee to open and close Veterans River Park. Councilman Grubham seconded.

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

MOTION CARRIED.

102-19
Issue Town
Fair Permit

Councilman Grubham moved to adopt 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 August 8, 9, and 10, 2019 without any permit fee to guarantee proper clean up after each use. Councilman Weingartner seconded.

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

MOTION CARRIED.

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Councilman Weingartner moved to adopt resolution authorizing Supervisor to enter into an agreement with Police Athletic League (PAL) for the 2019 Summer Program, in accordance with the attached agreement. Councilwoman Yonchuk seconded.

103-19
PAL
Agreement

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to enter into an agreement with ACHIEVE for the 2019 Summer Camp Program, in accordance with the attached agreement. Councilman Grubham seconded.

104-19
ACHIEVE
Agreement

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution ratifying a resolution approving the Consent Order with NYS DEC and authorizing the Supervisor to sign the Consent Order, in accordance with the attached Order. Councilman Weingartner seconded.

105-19
Approve
NYSDEC
Consent Order

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

MOTION CARRIED.

NEW BUSINESS:

Discussion – Upper Court Street.

Supervisor Kniffen said this is the major gateway to Kirkwood and the Board has struggled with this for a long time. In 1999 DOT came to the Town saying they were going to do a lot; new sidewalks, streetlights, etc. at a cost of about \$3 million, but in the end they didn't have enough money so nothing was ever done. Then we did the Comprehensive Study with several meetings with our residents and it was brought up there again. The BMTS put a study together for us about Upper Court Street with a lot of pictures, posted it on our website, and people responded in favor of it. But DOT has not been willing to do anything. At the next BMTS meeting, of which I'm a member for the Town of Kirkwood, it's going to be brought up by an illustrative resolution, which says if we did Upper Court Street in Kirkwood here's what we'd like to do and this will be the cost. What that would do, in my mind, is I'm always bringing up things about Kirkwood and things to do specifically with Upper Court Street, but this could be a real opportunity to say we have a resolution to do something and it will probably be \$6 million today. That doesn't mean you have to do everything that was going to be done in 1999, but do something. Let's see what happens when we get the floor at the next meeting and hopefully it will be an open and on-going discussion. There is a new director since that time and I left a phone call for him to get back to me because I want to meet him before the next meeting and not blind side him with this at the meeting because he may not have any knowledge of it. I will also talk to him about Larry Holt's issues.

Councilwoman Yonchuk moved to adopt resolution authorizing solicitation of bids for the Johnson Road Repair Project. Councilman Grubham seconded.

106-19
Authorize Bids
Johnson Rd
Repair Project

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing the Town Engineer to prepare plans and bid materials for the Johnson Road Repair Project at a cost not to exceed \$ 2,520.00. Councilman Weingartner seconded.

107-19
Engineer
Prepare Plans
Johnson Rd.
Project

Roll Call Vote: Councilman Weingartner - yes

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Councilman Grubham - yes
Councilwoman Yonchuk - yes
Supervisor Kniffen - yes

MOTION CARRIED.

108-19
W. Coe, Justice
Education

Councilman Weingartner moved to adopt resolution authorizing Ward Coe to attend the New York Magistrates Association Annual Conference at the Crowne Plaza Hotel in Lake Placid, NY to be held September 15-18, 2019 at a cost of \$707.25 for the lodging and meals and a \$75.00 pre-registration fee, with the State reimbursing the Town one night for lodging and mileage. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

Discussion: Mr. Finch said Charlie Gee was one of our 90-day workers last year and he won't be accepting that position this year. I have one applicant from last year who is a college student named Patrick Buchinsky from Lakeview Terrace and I would like to hire him starting June 10th at \$12.82 per hour. There is money set aside in the budget for this. Councilman Weingartner moved to adopt resolution hiring Patrick Buchinsky as Laborer to work in the Highway Department effective June 10, 2019 for 90 days at a rate of pay of \$12.82 per hour. Councilwoman Yonchuk seconded.

109-19
Hire P.
Buchinsky
Highway
Laborer

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

Councilwoman Yonchuk 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 # 19002601 through # 19002759 in the total amount of \$ 756,702.28, which includes prepaid claims as authorized by resolution adopted January 2, 2019. Councilman Grubham seconded.

110-19
Audit/Pay

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

MOTION CARRIED.

ADJOURNMENT:

Councilman Weingartner moved to adopt resolution to adjourn the meeting. Councilwoman Yonchuk seconded. All vote in favor.

MOTION CARRIED.

Meeting adjourned at 6:38 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk