

**TOWN OF KIRKWOOD
WORK SESSION**

January 28, 2020

Present: Supervisor Gordon Kniffen
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilwoman Katie Legg
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

1. Discussion – **Recommendation from Planning Board – Request for Change in Zoning – 50 Francis Street and 13 Alexander Road – PUD to B1.** (GEK)

Marchie Diffendorf said they came before the Planning Board last month and the property has been purchased. The attorney determined if they keep the house it's still a non-conforming use and recommended to the Planning Board that it is OK to rezone it to B-1. He will have to come for site plan review for the storage buildings.

Ken Ellsworth of Keystone Associates, representing Les Siedel, reiterated that they have purchased the property. He said we have another meeting with you and then we will sub-divide the lot and then go to the Planning Board for site plan review at that time. We think we've fulfilled the responsibilities of which you asked us to do. We have a configuration where it's two modified lots in B-1. The line of the small lot, which was just purchased, was moved over into the middle of the larger lot so there will be two conforming lots to B-1. Mr. Ellsworth provided a map for review and verified that there will be a residence on a B-1 lot. Mr. McKertich said a 239 and SEQR review will need to be done on this for rezoning and a public hearing will be required. Resolution to schedule public hearing for 2/25/20.

2. Discussion – **Resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Kirkwood Fire Company, with the understanding that the members so approved will be assigned for which they have been qualified, in accordance with the attached roster.** (GEK)

Resolution.

**TOWN OF KIRKWOOD
WORK SESSION**

January 28, 2020

3. Discussion – **Resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Five Mile Point Fire Company, with the understanding that the members so approved will be assigned for which they have been qualified, in accordance with the attached roster.** (GEK)

Resolution.

4. Discussion – **Riverside Cemetery – Financial Assistance.** (GEK)

Supervisor Kniffen said the Conklin family lives in Conklin and maintains the Riverside Cemetery and Bill Diffendorf maintains the Kirkwood Cemetery on Main Street, and it came to our attention through the Conklin family that they don't have a budget, so to speak, and have to rely on donations. The Town Board thought it would be a good idea if we contribute to both cemeteries and proof was shown that both cemeteries are non-profit, so our legal team said we could do that. The Board members indicated they are in agreement to pay \$1,500 a year for the maintenance of each cemetery. Councilman Diffendorf said there is also a cemetery on Colesville Road in Kirkwood (Brookvale Cemetery) that should be included. The Town Clerk has contact information for this cemetery. It was noted that the non-profit information will be required from the Brookvale Cemetery. Resolution.

5. Discussion – **City Line Booster Station – NYS Water Infrastructure Improvement Act Grant.** (GEK)

Supervisor Kniffen said the grant writer was successful in securing us grants for the salt barn and the drainage project but we did not get the \$47,000 grant for the booster station.

6. Discussion – **Water Meters.** (GEK)

Supervisor Kniffen said after John, Alan and Brian came to the Board with a request to purchase new water meters for residential homes, lengthy discussions have been held at past meetings. There have been problems with the manufacturer since day one, but we've stuck with it for a while and it's about time we did something. Through John's research they came up with Neptune, a source for better quality meters than what we have now. To do this all at once it would be over \$200,000, which is a concern. Although there is money in the water budget, if we spend all the money in one year and something else comes up we would want to have the money for that and Councilman Diffendorf said he felt we should just replace them as they broke down. Since that meeting we talked to the supplier and they agreed to a three-year plan. The original price was \$206 per meter but over three years it would go to \$226, but after additional discussions they agreed to \$206. We'll save between \$18,000 and \$19,000 if we're going to do that and I think we should.

Councilman Diffendorf questioned what other meters are out there. Mr. Finch said most of the towns around us have Neptune meters and they're very reliable and that's what we had when I first started here. We have mostly Neptune meters with Blue Tower heads on them. We know

TOWN OF KIRKWOOD WORK SESSION

January 28, 2020

how they work. If the bottom breaks it's a five minute job to replace them. The meters in Conklin are a whole unit so if it breaks the whole meter has to be replaced since there are no pieces, which is a big drawback. You're talking \$10 for pieces compared to the cost of replacing a whole meter. It was clarified that they most usually break because the property has frozen up and the meter broke so that the homeowner is responsible for the meter. Councilman Diffendorf questioned the \$2,750 annual maintenance fee. Mr. Finch said they cover any software updates and issues. Every company has a maintenance fee for their software.

In response to Councilman Diffendorf, Mr. Finch said when we switched over to radio read we got rid of a lot of old meters of different brands that were original to the system. We replaced most of them with Blue Tower and some of the Neptune meters we had at the south end of town we just put the heads on them. Councilman Diffendorf said if we are going to spend this kind of money, it has to be right. We can't go six years and have to replace this because every person that is in the water district is paying for our mistake. Mr. Finch said it wasn't a mistake because you can't predict when a company is going to go out of business when you buy meters. Originally they were good meters but for the ones we've been getting in the last three or four years the customer support has been getting worse and when a company goes out of business you're stuck. Councilman Diffendorf said we wouldn't be stuck if there was a meter or two that went bad, but you want to change all these meters because they're junk. We want to make sure this is a good product and not something we're going to be changing in five or six years. Some of those other meters were put in in 1965 so they lasted over 40 years and they might have lasted longer if we didn't replace them. Councilman Grubham questioned if the companies that made the old meters are still in business. Mr. Finch said most of them aren't and the problem is they didn't have radio read capabilities, and they didn't have parts any more. Neptune meters have been around a long time and they are proven. We haven't seen any significant issues with the Neptune meters. Supervisor Kniffen said there are numerous municipalities in Broome County that use Neptune so they must have done their homework and determined they are quality meters.

Councilman Grubham said we have to do it and I don't want to go back where we don't have the readers anymore. Councilwoman Legg questioned if there is a minimum buy that you have to do every year. Mr. Finch said there is not, we would just want to get them all within a three-year period. Supervisor Kniffen said the only question was if we would standardize and we did agree to do that for at least three years, if that's the way we want to go.

Mr. McKertich said the resolution does two things. It standardizes Neptune as the meter to be purchased for the Town and also identifies Ti-Sales as the only entity that sells this kind of meter. No bidding will be required once this resolution is approved. Resolution.

**TOWN OF KIRKWOOD
WORK SESSION**

January 28, 2020

7. Discussion – **Request from Chad Moran to attend the STBOA 2020 Code Training Update on February 26, 2020 at the Sidney Fire Station, Sidney, NY at a cost of \$35.00.**

Resolution.

8. Discussion – **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 licenses for the following mobile home-trailer parks, such licenses are for the year 2020:**

Quilty Hill Mobile Home Park, 49 Quilty Hill Road, Kirkwood, NY 13795 Owner: Charles C. Tai
Kirkwood Parksites, LLC, 1794 US Route 11, Kirkwood, NY 13795 Owner: Gary N. Johnson

Resolution.

9. Discussion – **Resolution accepting the Recertification of the Record of Activities for Cynthia French, Dog Control Officer, for the year 2020, in accordance with the attached recertification.**

Resolution.

10. Discussion – **Sluice Pipe Update.** (JAF)

In December Mr. Finch initiated a discussion regarding a fee for driveway sluice pipes to help cover some of the expenses. Mr. Finch said I've now thought about it and I think instead of doing that I'd like to limit the amount of driveway sluice pipes to 20 per year, which is an amount I can handle. The only time we would go over that amount would be if someone had a driveway pipe issue that was an emergency. If more than 20 requests come in they would be put on the list first for the next year. That way we wouldn't have to worry about permit fees. I also think it would be unfair for the people that had gotten their pipes installed in the past with no fee. I still would also like to have something in our laws about not putting in pipes in the yard like Councilman Diffendorf suggested. Then if people come to me I can say no since a resolution was passed not to do that. Mr. McKertich said we talked about developing a policy in that regard and that falls to me to develop that. I have started to draft that and since it needs to be in place by spring I will get back on it.

Councilman Weingartner said I don't like that because you could have a situation where you get a rash of sluice pipes that break, collapse or there is some type of flooding situation. There are a lot of people where I live and I'm sure also in other areas, where if there's a storm there could be issues and they need something done. There are many things that could cause issues with the roads. Mr. Finch said we put in almost 40 pipes last year and the year before we were

**TOWN OF KIRKWOOD
WORK SESSION**

January 28, 2020

in the 30 range. Another reason I want to do this is we've spent most of our summer putting driveway pipes in and this will free up our guys to get on to other things that need to be done. If it's plastic pipe that's plugged, we can take it out and put it back in place. After we've installed 20 pipes and someone has a pipe collapse we'll get that done that year. Everyone has to pay for their pipe. Supervisor Kniffen said Councilman Weingartner makes a good point and if there were ever something like a flood we could call an emergency for this situation. Mr. McKertich said we could build that into the policy.

11. Discussion – Main Sewer Station Stairs – Request to go out to bid.
(JAF)

Mr. Finch said we would like to have a resolution next week to go out to bid by the end of February and award the bids at the March meeting for the stairs for the main sewer station. Hopefully that will give us enough time to get some more contractors that are willing to do this work. Mr. Finch said John Mastronardi mentioned reaching out to ABC. Councilman Grubham said since that's such specialized work, there may not be anyone in this area that can do it so we should possibly advertise in Scranton, Wilkes-Barre and Syracuse. Dodge reports, which is statewide, would also be an option. There are also builders exchanges right here in Broome County. Hopefully we can reach out to as many companies as possible to get someone to bid it. We only had one bid last time. Resolution.

12. Discussion – Repairs at the Main Sewer Station. (JAF)

Mr. Finch said there are elbows down at the main sewer station on the dry well side that are constantly leaking and we got a price from three contractors to do the work. We would like to go with the low bidder W2O at \$3,315. They put in a stipulation that if they have to replace the valves and flanges it would be another \$4,900 but we don't think that will be the case. We did budget for that full amount just in case that were to happen so if it comes in with not needing the valves and flanges we'll be ahead by \$5,000. Al and Brian will talk with them while they are working on it to see if they need to replace the valves. Resolution.

13. Discussion – Highway Garage Drainage Grant. (JAF)

Mr. Finch said I met with John Mastronardi and Supervisor Kniffen to discuss the grant we received for the highway garage drainage. We're moving forward to the point where we'd like to go out to bid and have the work started sometime in April or May. John needs to do a little more work on his drawings. We talked with Leann yesterday to make sure that DEC didn't have to sign off on the bid specs before we go out to bid. Once we get that information we'll review everything and request to go out to bid in March. Supervisor Kniffen noted that our agreement with them expires February 1st.

**14. Resolution rescheduling the April 28, 2020 Work Session to Monday,
April 27, 2020 due to the Presidential Primary.**

Resolution.

**TOWN OF KIRKWOOD
WORK SESSION**

January 28, 2020

15. Discussion – **Resolution authorizing the Supervisor to enter into an agreement with Vieira & Associates CPAs, P.C. regarding the Justice Court finances and records, in accordance with the attached agreement.** (GEK)

Supervisor Kniffen said we are required to have an annual audit of our court and we outsource that to an auditing firm. Resolution.

16. Discussion – **Grant Writers – Resolution not to renew agreement for 2020.** (GEK)

Resolution.

17. **Audit of Claims.**

Resolution.

- 17a. **Hiner Road.**

Supervisor Kniffen reviewed that this involves the City of Binghamton wanting to cut off Hiner Road and redirecting it across to Krager Road. Originally the project was estimated at \$1.2 million but Mr. Finch said according to John Mastronardi it's down to \$940,000. Supervisor Kniffen added that John Mastronardi has been contracted by the City to work on this. There are five Kirkwood residents and two Binghamton residents involved. We've discussed whether or not we would participate and I think the conclusion was if we did it would be a very small amount because it's primarily in the City of Binghamton. No one had talked to the owner so after doing some research we were able to find contact information and sent her a letter this past week. She may not be interested in selling the property. The City of Binghamton really wants to do this and keeps working on it. They feel this is FEMA approved so they would pay 75 percent and their share would be 25 percent and maybe the State would pay half of that.

18. **Executive Session.**

Councilman Diffendorf moved to adopt resolution to go into Executive Session to discuss the potential acquisition of real property. Councilman Grubham seconded.

Roll Call Vote:

Councilman Weingartner	- yes
Councilman Grubham	- yes
Councilwoman Legg	- yes
Councilman Diffendorf	- yes
Supervisor Kniffen	- yes

MOTION CARRIED.