

**TOWN OF KIRKWOOD
WORK SESSION**

December 29, 2009

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

Absent: Robert Weingartner

Also Present: Herbert Kline, Town Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, Deputy DPW Commissioner

1. Legal Service Agreements for 2010 (12/29/09 Agenda)
 - A. Planning Board and Zoning Board of Appeals
 - B. Coughlin & Gerhart Litigation Attorneys
 - C. Paralegal of the Attorneys

Mr. Kline explained that these are annual agreements which include the services of Angel Anton and Cheryl Insigna and gives the Board the option to hire specialized attorneys. Also paralegals are used at times, which is less expensive. Resolution.

2. Reappointments: (12/29/09 Agenda)
Zoning Board of Appeals: Edward Egan – Term to expire 12/31/14
Resolution.

3. 2010 Agreements: (12/29/09 Agenda)
Roger Studer, d/b/a Studer's Body Shop & Garage
Southern Tier Zoological Society
Resolution.

4. Resolution authorizing the continuation of petty cash funds for 2010, subject to audit by the Budget Officer, for the following departments at specified amounts, pursuant to Town Law Section 64, Paragraph 1(a): (12/29/09 Agenda)

Assessor	\$100
Bookkeeper	\$100
Building & Code Inspector	\$100
DPW Commissioner	\$200 and \$35 for Water Department
Supervisor	\$200
Town Clerk	\$200
Town Justice	\$200
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Resolution

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5. Resolution Ratifying a Holiday/Christmas Proclamation, in accordance with the attached proclamation. (GEK) (12/29/09 Agenda)
Resolution.

6. Resolution approving the addition of Donald Reigel, III to the 2009 Membership Roster for Kirkwood Fire Company, in accordance with the attached letter. (GEK) (12/29/09 Agenda)
Resolution.

7. Discussion – Stormwater Management Local Law Amendment – Schedule Public Hearing for January 26, 2010. (01/05/10 Agenda)
Mr. Kline explained that there is a minor change in regard to notice requirements that is needed to be consistent with the State. Resolution.

8. Discussion – Request for Randy Coolbaugh to attend a Grade D Certification Class, in Cortland, NY on January 11-15, 2010 at a cost of \$550, which includes materials, drinks and snacks. (RJJ) (12/29/09 Agenda)
Mr. Coolbaugh said this will allow Randy to work on mains. John Finch Jr. said that anyone in the water department should have a Grade D Certificate which is suggested by the Health Department. Resolution.

9. Resolution Amending Resolution Adopting a Procurement Policy, in accordance with the attached resolution. (HAK) (01/05/10 Agenda)
Mr. Kline explained that currently state law requires competitive bidding for \$10,000 purchase contracts and \$20,000 Public Works projects. He said that the State has now increased the \$20,000 to \$30,000 before going to bid. A change will be needed for the procurement policy. Resolution.

10. Resolution authorizing attendance of Town Personnel and Officials at NYS Association of Towns Meeting in New York City, February 14-17, 2010 with all reasonable expenses paid and upon submission of proof of necessity to attend said meeting. (GEK) (01/05/10 Agenda)
Resolution.

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11. Discussion – Health Insurance and Health Savings Account. (GEK)
Supervisor Kniffen explained that since health insurance costs are rising 12% to 15% each year the Town is looking into a high deductible plan which carries a much lower premium. He said this involves Health Savings Accounts (HSA), whereby the Town opens an account for each employee and deposits \$2,600 for an individual and \$5,200 for a 2-person/family member. This is to be used for medical related costs. He proceeded to explain how these savings accounts work, noting that the insurance is the same as the current policy. According to Supervisor Kniffen the towns of Binghamton and Dickinson already have this type of coverage. There will be a meeting on Thursday, January 7th at 9:30 for all covered employees. M&T, the manager of the Health Savings Accounts, and McKinnon will address specifics at that time. Mr. Kline noted a concern with the new health reform bill in regard to these accounts. He also suggested that possibly a consultant could compare the M&T plan with others. It was noted that this would save the Town approximately \$52,000 a year.

12. Discussion – Windsor Letter to IDA regarding Millennium. (GEK)
Mr. Kline explained that in the original tax agreement Millennium agreed to pay out an additional \$108,000 per year which was supposed to be distributed amount the towns that the pipeline ran through. He said the IDA is using the money to pay off debt regarding the Conklin industrial park. Since this is a big concern, Supervisor Kniffen is planning to send out letters to other counties to see how they are appropriating this money. Mr. Kline explained IDA's involvement. Councilman Diffendorf also expressed a major concern in this regard.

13. Discussion – Request for Rezoning – Joseph Balough, III – 665 Upper Court Street. (GEK)
In the absence of Councilman Weingartner, this will be held until 1-5-10 for full Town Board review.

14. Recommendation from Planning Board – Eliminate Oil Separators from Automobile Sales (B3) and Construction Equipment (CE) Districts. (HAK) (01/05/10 Agenda)
Mr. Kline explained that there are no longer oil separators in any districts. Councilman Grubham noted a concern. Planning Board Chairman, Marchie Diffendorf said that according to Town Engineer, Dan Griffith, these are not used anymore. It was noted that this is addressed in stormwater management prevention and that oil separators don't work and are not maintained. Resolution to schedule a public hearing for January 26, 2010.

15. Discussion – Request for Amendment to the Fire Prevention and Building Code Local Law No. 13 of the Year 2006. (K. Newberry)
Mr. Newberry said that after doing fire inspections for over 20 years he is finding very few violations and is requesting that they be done on a 36-month schedule instead of a

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24-month schedule. This does not include places of assembly. He said he could then devote time in assisting Mr. Kiberd in his code duties. Mr. Newberry added that he contacted the fire companies in this regard and Five Mile Point Fire Company is not in complete agreement. He noted that they do their own fire inspections as well, adding that many companies request they come so they are familiar with their operations. Resolution to schedule public hearing to amend the local law on January 26, 2010.

16. New Pension Laws. (HAK)

Mr. Kline explained that new regulations have been received from the Comptroller. Any officials elected or appointed after August 2009 will be required to keep a 3-month log of days worked and submit to the Town Clerk. He noted that previously the requirement was a 1-month log. A resolution will be posted and sent to the Comptroller. According to Mr. Kline, anyone in the retirement system has to comply and this has to be done at least once every 8 years.

17. Broome County Snow and Ice Removal Contract. (RJJ) (01/05/10 Agenda)

Mr. Kline noted that there is one change to be made before the agreement can be signed. Resolution.

18. Transfer of Funds.

Resolution.

19. Audit of Claims.

Resolution.

Other:

It was noted that Bob Kiberd spoke with NYSDOT regarding road signage for Willow Run and Putnam. Bob said that DOT is working on this.

Supervisor Kniffen reported that all town personnel are invited to the swearing in ceremony for Rick Blythe.

Supervisor Kniffen reported that Town Engineer Dan Griffith is requesting an increase from \$69 per hour to \$75 per hour. It was noted that there was significant savings in the engineering department for 2009 despite the added engineering costs for the Barlow Road Project and High Street problems. The \$75 per hour increase will be reflected in the 2010 agreement.

Supervisor Kniffen requested that the hourly rates for independent contracts and Board of Assessment Review be increased by 3% for 2010. Resolution.

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