

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 28, 2010**

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

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

1. Request from Alan Glover to attend the Southeastern New York Water Works Conference to be held Thursday, October 14, 2010 at the Sidney American Legion, Sidney, NY at a cost of \$28.50, with all reasonable expenses paid. (RJJ)

Resolution for 10-5-10.

2. Discussion – Proposed Resolution Calling for Uniform Standards for Levee Safety and the Provision of a Continuous Flood Insurance Program. (GEK)

Mr. Kline explained that this calls for consistent policies in regard to levee safety.

Resolution for 10-5-10.

3. Request from Jean Smith to attend the 2010 User Group Seminar from Edmunds & Associates, Inc. to be held Friday, October 8, 2010 in Atlantic City, NJ at a cost of \$25 and mileage. (GEK)

Resolution for 10-5-10.

4. Discussion – 2011 Preliminary Budget.

Supervisor Kniffen explained that the preliminary budget included cuts in spending amounting to about \$31,000 in the general fund and about \$4,000 in highway. As a result of individual Board members meeting with Jim Smith, the Town's Budget Officer, the cuts in spending in the general fund will now be about \$56,000 and in the highway budget about \$32,000. Some of the places cut were by doing the mowing with the Town's own resources that was previously contracted out, cuts in road repairs and equipment. This will all be presented in detail at the public hearing. Instead of a rate increase of 11%, it will now be single digits. According to Supervisor Kniffen this is the most difficult, complex budget that he has ever had to deal with because of the element of the union, for which they are still in negotiations, and which they have not dealt with before. The budget has to be adopted by Nov. 20<sup>th</sup> and the next meeting with the union is not until Oct. 13<sup>th</sup>. When a budget is adopted it cannot be increased, it can only be cut so they have to make sure that they have enough for additional items involved with the union negotiation.

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 28, 2010**

In regard to insurance, at the time the preliminary budget was presented Supervisor Kniffen recommended going with Healthy Blue but he now recommends the high deductible Healthy Blue, which will save the Town even more money. The biggest concern with that was the change in prescription levels. It is currently at \$10/\$25/\$40 and with the high deductible it would be \$5/\$35/\$70; with \$70 being a problem for people with high dollar prescriptions. He asked Jim Smith to factor in the budget if the Town were to pick up the difference between \$40 and \$70 and try that for a year. He said the employees involved with the union have made it clear that they want the Teamster's insurance, so although the Town can save \$40,000 by going with the high deductible the Town could save an additional \$27,000 if the union people could have been included. The cost to the Town to go to the Teamsters is about \$32,000 which amounts to about 10¢ on the tax rate. According to Supervisor Kniffen at this point the contribution by the union people for health insurance cannot be increased (currently 7 ½ % and negotiable), so as a compromise and still being fair to non-union employees, he suggests not giving an increase to the union employees' salary and by doing that it would lower the \$32,000 it would cost the Town down to about \$15,000. Right now the contribution for family coverage with the current insurance is \$55 a pay period and the high deductible would be \$41. For two-person coverage it is currently \$42 and would go down to \$34.50. In regard to the union, because they are going for a higher cost of coverage, their 7 ½ % is more money; family coverage contribution would be \$64 a pay period and by adding their dues, it will be \$100 a pay period. For 2-person coverage it would be \$34.50 versus \$65 a pay period (including dues). Supervisor Kniffen said they want to be fair to everyone but cannot afford to pay the whole shot for the union people. It was noted that there are 7 union employees and about 14 non-union and other towns that are comparable in size to Kirkwood do have unions.

Supervisor Kniffen said they considered delaying the budget process until December 7<sup>th</sup> but by law the budget must be adopted by November 20<sup>th</sup>. Jim Smith will present an updated budget next week at the October 5<sup>th</sup> meeting. A public hearing will be scheduled for October 26<sup>th</sup> and most likely a special meeting will be scheduled in November to adopt it.

5. Resolution appointing Carrie Aurelio as Clerk to Justices Full Time effective October 6, 2010 for the remainder of 2010, to be compensated at a salary of \$25,919.00 pro rated for the remainder of 2010, upon the consent and advice of the Town Justice.

Supervisor Kniffen explained that Kathy Tutko is retiring and the Town Justices have hired Carrie Aurelio, who was a Johnson City Court Clerk. He said that the Compensation Policy was used as a guideline and the \$25,919 is mid range for that position. Resolution for 10-5-10.

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 28, 2010**

**6. Discussion – Bell School Drainage. (GEK)**

Supervisor Kniffen said that the stones have been removed and this is now on hold. Although the Town's engineer and DEC have looked at it they want to review it again with the school's engineer.

**7. Discussion – Kirkwood Post Office. (GEK)**

Supervisor Kniffen explained that last September a representative from the post office told the Board that they were downsizing and since the lease with the Town would be expiring at the end of January 2011 they were looking for a 900 sq. ft. building and that the mail carriers would be working out of Binghamton. They were given numerous sites to look at. At this point all sites have been rejected. When the state police located there, the deal was that when the lease with the post office expired the Town would remove the building, level the ground and the developer would pay the Town \$37,000 for the land. Supervisor Kniffen has contacted the developer to see if they are still interested. Supervisor Kniffen asked the post office if there were interested in considering a short term extension to the lease or if the developer is no longer interested in the property were they interested in staying in the existing building. Supervisor Kniffen noted that there is public concern over the possible loss of the post office and the Board will try to do all they can to try to keep it in Kirkwood. Councilman Grubham noted that 900 sq. ft. is a very small building and the post office doesn't want to pay much so it would be hard to find a developer for this.

**8. Discussion – Update on County Code Study. (GEK)**

Supervisor Kniffen explained that Kirkwood was a co-applicant with the County to do a study on shared services regarding code enforcement, consolidation, etc. After the bid process someone has been selected to do the study. They will be going to the different municipalities asking for some data and interviews.

**9. Discussion – Updated Schedule for 2011 Budget. (GEK)**

See Item 4.

**10. Discussion – Metalico. (GEK)**

Supervisor Kniffen explained that Kutz is trying to sell his business on Barlow Road to Metalico, which has 28 facilities around the northeast. This is an opportunity to get the property cleaned up.

Mr. Kline said that they discussed the alternatives that Metalico had. Since Kutz was there before zoning, one alternative was to try to expand the existing non-conforming use and they concluded that wouldn't work. They decided to have their property rezoned to Industrial Development – Recycling (ID-R), which is in the present local law. Metalico would present their plans to the Town Board and seek to have the area rezoned which would allow the Board to put conditions on the property. There would have to be extended environmental review, particularly because the Town has received a letter from

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 28, 2010**

an attorney who may represent a competitor who in the Town of Conklin sent out fliers to many neighboring property owners suggesting that they be in opposition to the project. According to Metalico this is going to be a collection center. They will buy materials, metals, etc. from businesses or individuals and they are considering automobiles. Mr. Kline said that if they include automobiles there will be a much more extensive environmental review because of the fluids. Nothing will be done to the materials or autos on the property; they will be collected and taken away. There is a very similar facility in Lackawanna, New York and they will supply pictures and information as to that facility. If they get the rezoning with the environmental review, they will then have to go to the Planning Board for Site Plan Review. They have purchased the property in the middle and will be tearing the house down to use as a part of the operation. This is on hold until they make an application.

Mr. Kline said that it won't be spot zoning because it is large enough and they really are doing what is allowed in ID-R now. The environmental review would determine if cleaning the ground of oil and fluids is required before they go in there. The Town Board has to decide if they want to do the environmental review or delegate it to the Planning Board. In light of the fact that the Town has been trying to beautify that area of the town fencing and landscaping were discussed with Metalico. Mr. Scofield noted that Metalico noted that they plan to pave a good portion of the property.

**11. Discussion – Update on Cedarhurst School. (GEK)**

Supervisor Kniffen reported that there is a short term lease with an option to buy Cedarhurst School with Olivet University, which is a Christian college located in Chicago. There is the possibility that they may be expanding as well. The question was raised by Councilman Diffendorf as to whether they are going to house people in the building. Supervisor Kniffen said he is waiting for additional information from the SV school superintendent. Mr. Kline said housing would be a zoning issue and this also may require SPR. Councilwoman Yonchuk added that she has received different information from neighbors in the area, that it is an international language school centered in the Bronx. There is a noted concern that they have been moving into the building in the middle of the night. Supervisor Kniffen noted that the University has a website.

**12. Discussion – Dog Licenses. (GMD)**

Town Clerk Gayle Diffendorf reported that as of January 1, 2011 the responsibility of NYS in regard to dog licensing will be eliminated. The municipal clerks of Broome County have been meeting to try to come up with uniform licensing fees. Currently 47% of each dog license is forwarded to Broome County. In the case of altered dogs that is \$1.18 per dog. As of January 1<sup>st</sup>, the 47% will be kept by the municipalities but \$1.00 for each altered dog must be forwarded to the state, leaving only 18¢ additional income to license each dog. The amount retained for unaltered dogs is higher but there are far fewer unaltered dogs so there will not be enough revenue to cover licensing expenses. Although the Broome County Municipal Clerks Association is recommending an increase to \$15 for altered dogs and \$25 for unaltered dogs, Gayle suggested an increase to \$14

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 28, 2010**

and \$22. Although she would rather not increase the fees and feels \$15 and \$25 is too high, it is a “user fee” and dog owners should pay for the additional expense of licensing so some increase is necessary. The money that the town is currently receiving is used for the expense of dog control, not licensing. A concern was noted that if the fee is too high people will just not license their dogs and that there are numerous dogs that are currently not licensed. Supervisor Kniffen will follow up on the enumeration issue. Gayle also noted that all clerks are in favor of eliminating purebred licenses, they are much more work and most license holders use it as a business.

Mr. Kline added that his firm is working on a model local law for all of their municipal clients. A resolution will be required at the October 26, 2010 meeting to schedule a public hearing to be held at the November work session for adoption of the local law in December which will become effective January 1, 2011.

Although he agrees with this Councilman Diffendorf expressed a concern that once again the state is reaping the benefit for doing nothing and taking the money which most likely will end up in the general fund.

13. Discussion – Emergency Exit – Front Meeting Room. (GEK)  
Councilman Grubham said that there is no need for another exit door. He said they had the wrong information about using the exit door into the court, the incorrect information involved a tenant, but the court is a part of the Town and it is a legal fire exit door. Mr. Kiberd said that he reviewed the building plans and the exit doors go into fire rated hallways and technically it is sufficient. Councilman Grubham said that the estimated cost to install the new door was going to be about \$4,000 and there is a question as to whether a door can open up into the driveway and the amount of natural light might be an issue as well. It was noted that if there is a fear that a car could be driven into the front of the building something could be installed to take care of that concern. It was noted that when a meeting is being held the door to the court should be unlocked; that is still a legal exit. Question as to whether the door has to be locked or not – especially during primary election. A reminder will be sent to everyone that uses the room to unlock the door.

14. Audit of Claims.  
Resolution for 10-5-10.

Misc.

Councilman Grubham inquired as to the road signage for Willow Run. Mr. Kiberd said that the state is still working on it.

Councilman Grubham inquired as to the status of water usage after all the leaks have been taken care of. Mr. Coolbaugh will check with John Finch and get the figures.

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 28, 2010**

In regard to filling the assessor position, Supervisor Kniffen reported that they had spoken with John McDonald and have since advertised for the position for which applications are now coming in. A committee will be formed for interviews.

**15. Executive Session.**

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an executive session pursuant to Section 105 paragraph f of the Public Officers Law to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Councilwoman Yonchuk seconded.

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

**MOTION CARRIED.**