

**TOWN OF KIRKWOOD
SPECIAL TOWN BOARD MEETING**

December 28, 2010

A special meeting of the Kirkwood Town Board was held on December 28, 2010 at PM at the Joseph A. Griffin Town Hall with Deputy Supervisor Robert Weingartner presiding.

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

Absent: Supervisor Gordon Kniffen

Also Present: Oliver Blaise III, Deputy Town Attorney
Gayle Diffendorf, Town Clerk
Richard Jones, DPW Commissioner
James Smith, Budget Officer

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

December 7, 2010 Town Board Meeting
December 16, 2010 Special Town Board Meeting

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Councilman Grubham reported that the youth Christmas Party went very well with a lot of participation.

Mr. Jones reported that there was a water break in the Industrial Park yesterday and it took about 6 hours for town employees to repair.

OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution scheduling a Public Hearing for January 4, 2011 at 6:00 PM to amend the Water and Sewer Rates for 2011. Councilman Diffendorf seconded.

192-10
Sched PH
W&S Rate
Change 2011

Discussion: In regard to water, the minimum charge for 2,000 cubic feet will be increased to \$16.00 per billing period and the other rates will remain the same. In regard to sewer, a flat rate change for High Street from \$75.00 to \$90.00 is the only change. It was noted that no money has been received from the B-JC Joint Sewage Board.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution scheduling a Public Hearing for January 25, 2011 at 6:00 PM regarding the amendment to the Mobile Home Ordinance. Councilman Grubham seconded.

193-10
Sched PH
Amend
Mobile Hon
Ord.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
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December 28, 2010

Councilman Grubham moved to adopt resolution amending the Town of Kirkwood Petty Cash Policy deleting the Assessor's Petty Cash, in accordance with the attached policy. Councilwoman Yonchuk seconded.

194-10
Amend
Petty Cash
Policy

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution, pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the membership roster for the 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. Councilman Diffendorf seconded.

195-10
Kirkwood
Fire Co.
Roster

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to enter into an agreement with Coughlin & Gerhart, LLC regarding paralegals of the attorneys, in accordance with the attached agreement. Councilman Grubham seconded.

196-10
C&G
Agreement
Paralegals

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing Supervisor to enter into an agreement with Coughlin & Gerhart, LLC regarding legal counsel and assistance to the Town Planning Board and Town Zoning Board of Appeals, in accordance with the attached agreement. Councilwoman Yonchuk seconded.

197-10
C&G
Agreement
Planning &
Zoning

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to enter into an agreement with Coughlin & Gerhart, LLC regarding retaining special counsel as independent contractors to provide legal services relating to special matters or proceedings, in accordance with the attached agreement. Councilman Diffendorf seconded.

198-10
C&G
Agreement
Special
Counsel

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to enter into an agreement with Coughlin & Gerhart, LLC regarding retaining attorneys employed by the Attorneys to assist the Town Attorney, in accordance with the attached agreement. Councilman Grubham seconded.

199-10
C&G
Agreement
Labor
Issues

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
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December 28, 2010

Councilman Grubham moved to adopt resolution reappointing Cynthia French to the Zoning Board of Appeals for a term to expire December 31, 2015. Councilwoman Yonchuk seconded.

Roll Call Vote:	Councilman Grubham	- yes	
	Councilwoman Yonchuk	- yes	200-10
	Councilman Diffendorf	- yes	Reappoint
	Dep. Supervisor Weingartner	- yes	C. French
			ZBA

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to enter into an agreement with Roger Studer d/b/a Studer's Body Shop & Garage, in accordance with the attached agreement. Councilman Diffendorf seconded.

Roll Call Vote:	Councilman Grubham	- yes	
	Councilwoman Yonchuk	- yes	201-10
	Councilman Diffendorf	- yes	Studer's Body
	Dep. Supervisor Weingartner	- yes	Shop
			Agreement

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the continuation of petty cash funds for 2011, subject to audit by the Budget Director, for the following departments at specified amounts, pursuant to Town Law Section 64, Paragraph 1(a):

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

202-10
Continue
Petty Cash
Funds

Councilman Grubham seconded.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing Supervisor to sign Change Order No. 2 for Stratmill Road Pump Station Project in the amount of \$2,983.27 for new wet well and valve vault relocation to south side of existing vaults due to proximity of gas line along north side. Councilwoman Yonchuk seconded.

Roll Call Vote:	Councilman Grubham	- yes	
	Councilwoman Yonchuk	- yes	203-10
	Councilman Diffendorf	- yes	Stratmill Rd
	Dep. Supervisor Weingartner	- yes	Pump Sta
			Change Order

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution amending the Town of Kirkwood Benefit Plan, in accordance with the attached plan including the following addition:

Page 4, SECTION 2 – HEALTH AND DENTAL INSURANCE

A.) 3.) Persons employed on a permanent basis in the position of Deputy Town Attorney shall be eligible for coverage (either family, 2-person or individual) with the employee paying 100% of the premium and deductibles.

Councilman Diffendorf seconded.

Roll Call Vote:	Councilman Grubham	- yes	
	Councilwoman Yonchuk	- yes	204-10
	Councilman Diffendorf	- yes	Amend
	Dep. Supervisor Weingartner	- yes	Benefit Plan

MOTION CARRIED.

**TOWN OF KIRKWOOD
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Councilman Diffendorf moved to adopt resolution authorizing the Transfer of Funds, in accordance with the attached resolution. Councilman Grubham seconded.

205-10
Transfer of
Funds

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

MOTION CARRIED.

In regard to the water and sewer rates, Mr. Blaise said that according to Mr. Kline no action is required tonight, only by March, which leads to the following resolution.

206-10
Rescind
Sched PH
W&S Rates
2011

Councilwoman Yonchuk moved to **rescind** the previous motion scheduling a Public Hearing for January 4, 2010 to amend the Water and Sewer Rates for 2011. Councilman Diffendorf seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution reappointing Henry Jones to the Planning Board for a term to expire December 31, 2015. Councilman Grubham seconded.

207-10
Reappoint
H. Jones
Planning Bd

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

Councilman Grubham 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, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 5, 2010, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilwoman Yonchuk seconded.

208-10
Audit/Pay

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

MOTION CARRIED.

ADJOURNMENT:

Councilwoman Yonchuk moved to adopt resolution to adjourn the meeting. Councilman Diffendorf seconded. All voted in favor.

209-10
Adjourn

MOTION CARRIED.

Meeting adjourned at 7:33 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk