

**TOWN OF KIRKWOOD
WORK SESSION**

December 28, 2010

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

Absent: Supervisor Gordon Kniffen

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

1. Discussion – 2011 Water and Sewer Rates/Schedule Public Hearing.
(J. Smith)

Mr. Smith explained that the minimum charge would go from \$33 a year up to \$48 a year; up \$5 three times a year and would raise about \$18,000 per year. This is Tier 1, basically the residential rate, and Board members agreed to this increase. To get more revenue in 2011 from some of the higher volume users, John Finch came up with various scenarios increasing Tiers 2, 3 and 4 with increases of 2¢, 5¢ and 9¢ as the volume of usage goes up. (Tier 5 is not included.) The 9¢ increase would make up the difference on not going all the way up on the minimum by adding about \$8,000 to the total water budget. The goal was to get about \$239,000 for the year.

Mr. Smith explained that for 2010 at the current rates the total budget is about \$213,000. The minimum increase brings it up to about \$231,000; 2¢ increase would raise an additional \$3,000; 5¢ would raise about \$5,000; 9¢ would raise about \$8,000. Data comparisons to other municipalities was not available.

Although Councilman Diffendorf said that he agreed to the minimum rate change he disagreed with the unit assessment and the cost of getting new meters.

Mr. Smith explained that at the last meeting it was discussed that if the minimum increase is not brought back up all the way then they would have to come up with a way to capture a similar amount of meter rents for the budget, so the other rates were looked at. It was explained that the rate decreases with the increase in usage. A concern was noted regarding increasing the rates on the higher volume users without knowing the affect it would have on them. Mr. Smith provided a list of the higher volume users; usage of over 16,000 cubic feet per 4-month reading.

Additional lengthy discussion to no conclusion regarding raising the rates for usage for Tiers 2, 3 and 4 which includes the high volume users.

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It was noted that when the Town & County taxes go out the new operating and maintenance charges will be included.

2. Post Office – Approval of termination of agreement regarding sale of post office lot to Brick Associates, LLC and approval of new lease with Postal Service. (HAK)

Mr. Blaise explained that Mr. Kline has been in negotiations with the attorney for the developer that owns the post office space and they have reached an agreement whereby the developer agrees to relinquish his ownership rights and turn the building back over to the Town for dealings directly with the post office to hopefully keep the post office in Kirkwood. Resolution to authorize Supervisor to sign agreement.

Councilman Diffendorf raised a concern as to the property line as it pertains to the loading dock. This may not be on the post office property so this is an unknown.

Mr. Blaise spoke to Mr. Kline during the meeting and he said the property line will be indicated on the Phase 2 of the Grand Vail agreement. Brick will be giving the Town the exact same parcel back as was given to them in the sale of the post office property. Councilman Diffendorf said he still has a concern due to the loading dock which was added after the sale.

Additional information from Mr. Kline. He said that there was an addendum to the post office lease involving an easement for the addition of 400 sq. ft. given by Bricks to the post office. He would assume it is for the post office loading dock but he was not able to access the Broome County website to verify this. Since the lease does not take effect until February 1, 2011 this can be addressed at the January 4, 2011 meeting. The two resolutions on the meeting agenda to follow will be held until January 4, 2011. According to Councilman Grubham the post office has a need for the loading dock and would like to rebuild it.

3. Discussion – Possible Amendment to Mobile Home Ordinance/Schedule Public Hearing. (HAK)

Wording change request from Code Office. Resolution to schedule public hearing.

4. Discussion – Delete Assessor's Petty Cash of \$100. (RFW)
Assessor's petty cash no longer needed. Resolution.

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5. 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. (RFW)

Resolution.

6. Resolution authorizing Supervisor to enter into an agreement with Coughlin & Gerhart, LLP regarding paralegals of the attorneys, in accordance with the attached agreement. (HAK)

Annual renewal. Resolution.

7. 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. (HAK)

Annual renewal. Ray Valenzuela of Coughlin & Gerhart was introduced. He will be assisting the Planning Board and Zoning Board of Appeals. Resolution.

8. 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. (HAK)

Annual Resolution.

9. 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. (HAK)

Labor assistance attorneys. Annual Resolution.

10. Discussion – Planning Board Members. (HAK)

Mr. Blaise explained that Henry Jones was serving a one-year appointment on the Planning Board and Gordie Woolbaugh is willing to become an Advisory Member so that Henry could be reappointed to a 5-year term. Resolution.

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11. Resolution reappointing Cynthia French to the Zoning Board of Appeals for a term to expire December 31, 2015. (RFW)

Resolution.

12. 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. (RFW)

Resolution.

13. 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

Resolution.

14. Discussion – Change Order #2 Request from Pinnacle Constructions – Stratmill Road Pump Station. (RJJ)

Mr. Jones explained that this is a request from Pinnacle Construction. He noted that although the request for payment for materials remains, the labor and equipment rates were removed and Pinnacle was in agreement with this. The original drawings had to be modified because of the gas line located there. Resolution.

15. Amendments to Town of Kirkwood Benefit Plan. (RFW)

Page 3 – 6.) Health Insurance Reimbursement Pool – Increase from \$400 to \$425

Page 3 – 8.) Employee Contributions

Page 4 – 1.) Eligibility For Coverage and Premium Payment

Page 10 – 3.) Reimbursement – Increase Employee Reimbursement Pool from \$3300 to \$3600

Contributions by employees reviewed. In regard to the HSA the employee will contribute towards the premium and the deductible; employees 7½%; Town Attorney and elected officials 12½%. The percentages were changed on page 4 – 1.). Wording change in regard to dental insurance as well.

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Mr. Blaise is requesting that the position of Deputy Town Attorney be covered under Section 2 with the proviso that the position would be fully responsible for any costs for the insurance with the net affect to the Town being zero. He would be able to purchase health insurance through the Town's plan and pay the full premium and any other expenses. He said that Supervisor Kniffen and Mary Kay Sullivan did not feel it would be an issue so he prepared language to be added to the policy in that regard. He added that this would be a benefit to him, that he would always have to pay whatever the premium might be, and he could opt out at any time. Although this might set a precedent for the future, at this time there is no other position in the Town that is comparable.

16. Transfer of Funds.

Councilman Grubham questioned the transfer from the state retirement benefits line to purchase machinery. Mr. Smith explained that since the equipment line was overdrawn and there was money in the other line, it was the one chosen to use to cover the equipment line item. Resolution.

17. Audit of Claims.

A concern was raised about an engineering voucher for \$375.00 regarding T. J. Madison's property on Stratmill Road for stormwater review. Mr. Jones said that Mr. Griffiths is the stormwater manager and he has to review this. It was questioned if this could be billed back to them. Mr. Blaise said that the Town already has a professional fees local law and this might fall under that. Mr. Jones will check into this.