

**TOWN OF KIRKWOOD  
WORK SESSION**

**January 25, 2011**

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  
Richard Jones, DPW Commissioner

Supervisor Kniffen welcomed 2 students from Windsor High School.

1. Discussion – Professional Fees Local Law Amendment. (RJJ)  
Mr. Jones explained that this is a result of the Board questioning getting reimbursed for engineering fees for the SWPPP regarding the pond on Stratmill Road (Madison). Mr. Kline added that the Professional Fees Local Law would need to be amended since currently the Town only gets reimbursed for projects that come before the Town Board, Planning Board and Zoning Board of Appeals. The amendment would include the review of a pending application for the Commissioner of Public Works or the Code Enforcement Officer of the Town of Kirkwood. This would be required since many times Mr. Jones or Mr. Kiberd are not qualified to review a pending application and it would have to be referred to the engineer. Resolution to schedule public hearing for 2-22-2011.
2. Kirkwood Post Office – SEQR Determination. (HAK)  
Mr. Kline said there was a question as to whether a SEQR review was required for the post office lease and it is not required. That should be so noted in a resolution. It is not required because there was no material change in the scope of permitted activities. Resolution for 2-1-11.
3. Resolution, on recommendation and approval of the Ordinance Enforcement Officer, pursuant to section 304.3 of the Mobile Home-Trailer Ordinance, authorizing the Town Clerk to issue renewal license of the following mobile home-trailer parks, such license to be effective upon the expiration of the previous permit and to continue in force for a period of one year:  
Kirkwood Mobile Home Court, LLC, 41 Loughlin Road, Binghamton, NY 13904, Owner: Robert Morgan, etal  
Resolution for 2-1-11.

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4. Discussion – On-call and overtime pay for water department.

(J. Finch)

John Finch Jr. provided a list of water departments in Broome County and what they pay their employees for being on call and for over-time. He explained that this was first discussed in August of 2010 at budget time but he let it go because he and Alan were taking their vehicles home since they are on call Monday through Friday and alternate Saturdays and Sundays. It is his understanding that the Town is now considering asking them to leave the vehicles at the water treatment plant so he is requesting that they be allowed to keep taking the vehicles home in exchange for not getting on-call time or over-time pay. He said it is a 24-hour a day job and one of them has to be there in the event of an alarm no matter what. They cannot take vacation or be out of Town at the same time. Using the example of a house flooding on Main Street, he explained how much more time it would take to respond if their vehicles were at the water treatment plant; possibly 25 to 30 minutes. He said that both trucks are equipped for emergencies. Councilman Diffendorf took exception to this since there was a break in the Industrial Park and no one had the key to shut off the valve. It was determined that the truck that responded to that water break did not have the key.

Extended discussion as to on-call time, overtime pay and whether or not trucks should be taken home. It was noted that if the requested overtime for 7 hours a week is paid in 2011 it would amount to about \$12,000 for both John and Alan and the Board indicated a concern with that option. Concerns were also noted in regard to service to residents, that the response should be as quick as possible. Usually Mr. Jones gets the call and then he notifies either John or Alan or both. It was also noted that originally there was one person taking care of the plants and now there are three employees and there is also a concern when there is a break and the valves do not work properly. The question was also raised as to whether both trucks need to go home every night and every weekend if they are both equipped properly. It was also questioned if the expectation should be that an employee put in extra effort indefinitely with no extra compensation or should the consideration be that they be allowed to take the trucks home. John added that it would not be a big expense for him to drive his own vehicle to work but he feels by taking their trucks home and not pushing for compensation for on call time he is saving the Town money. This will be addressed at the next meeting.

Ron Tondeur suggested that something be put in the newsletter encouraging residents to periodically shut off their own in-house valve. So many times at this time of year when there is an emergency the main shut off valve does not work.

5. Resolution Waiving Training Requirements for 2010 for Members of Planning Board and Zoning Board of Appeals. (GEK)

Mr. Kline said that at the last Planning Board meeting he offered to hold a seminar on a Saturday morning just for those members that did not have their training time in last year. He would like to hold it at the Town Hall and include people from Conklin and Windsor

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that need to make up hours as well. Councilwoman Yonchuk said that if this would get people to get the training she would like to see this because it isn't the first time that the requirement has been waived and if according to the law the training is required and it keeps being waived then either don't have the law or provide an alternative. Supervisor Kniffen said that he attended the last Planning Board meeting and mentioned it to the members. Mr. Kline said this would give them a chance to make up the hours for last year but they still have to get the 4 hours of training for this year. The plan is to schedule the training for Saturday, February 26, 2011. Resolution for 2-1-11.

6. Resolution reappointing Jason Griffin and Len Basso as Temporary Ad hoc Members of the Zoning Board of Appeals, pursuant to Local Law No. 11-1986; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. (GEK)

Resolution for 2-1-11.

7. Resolution reappointing Sandra Fox, Thomas Tracy, and Walter (Gordie) Woolbaugh as Ad Hoc Member to the Planning Board, pursuant to Local Law No. 1-2004; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. (GEK)

Resolution for 2-1-11.

8. Audit of Claims.

Resolution for 2-1-11.

- 8a. Unit Assessment.

According to Supervisor Kniffen at the time that Don Johnson was hired for the position as the first Budget Officer the duties of reviewing and keeping the unit assessments up to date was transferred from the Town Attorney to the Budget Officer. The current Budget Officer, Jim Smith, has been doing this but since he has such a heavy load Supervisor Kniffen would suggest that these duties go back to the Town Attorney. According to Mr. Kline he would train Oliver Blaise to do this on a regular basis. Mr. Kline reviewed the process when they first started doing the unit assessments back in 1964 or 1965. Information was received from Broome County regarding splits and consolidations of properties as well as looking at the building and demolition permits and condemnations. Changes would be made based on this information before the hearing in November each year. The records would have to be reviewed since the time it was transferred from him to the Budget Officer which will be a lot of work the first year. Since this is not part of his assigned duties he will do it on a voucher basis. Councilwoman Yonchuk questioned if possibly the assessor should be doing this but it was noted that there is too much work involved. There is no department or position that handles all aspects of what is involved with unit assessments. Since Mr. Kline knows how to do this and considering the

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amount of time involved, the Board was in agreement that he should handle it at least for the first year. Mr. Kline reviewed the process if discrepancies are found regarding overpayments for the current year as well as going back two additional years. Resolution for 2-1-11.

**9. Executive Session.**

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to Section 105 d of the Public Officers Law to discuss proposed, pending or current litigation. Councilman Weingartner seconded.

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

**MOTION CARRIED.**

Work session adjourned at 7:00 PM.