

**TOWN OF KIRKWOOD
WORK SESSION**

July 5, 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
Raymond Coolbaugh, DPW Commissioner
Marchie Diffendorf, BC Legislator & Planning Board Chairman
Duane Travis, Zoning Board of Appeals Chairman
John Rudy, Building Inspector

1. 3i Graphics & Displays – Kevin Reardon.

Mr. Reardon presented information on Boulevard Banners that they hang on light poles in towns that they contract with. The upper portion of the banner (60%) would contain a design and the lower portion would be the company's logo. The company designs, manufactures, and installs the banners and the hardware. There is no expense to the Town or any obligation at all, and there is a rebate program in which the Town would receive a \$50 credit for every banner sold. Mr. Reardon displayed a sample banner from the Town of Conklin. The customer gets to choose the pole location of the banner they sponsor. It was established that the Town of Kirkwood does not own the poles in the Town with the exception of the poles on the ramp at Exit 1, so Mr. Reardon would have to contact NYSEG for their written approval. His company has supplied or will be supplying banners locally for Johnson City, City of Binghamton, Sayre and Conklin and they are currently working with the Town of Union. These are one-year agreements and the rebates would be received every year by the Town. The Town can accumulate rebates for credit towards a sign for the Town or the rebates can be received in the form of a check. A new banner is designed each year and the company receives the banner at the end of the year and they are allowed to do with it as they wish. There is a discount for a 3-year agreement. The second year the Town determines the design from three submitted proofs. Once all the banners are in place the amount of the total rebate is determined. Mr. Kline will review the contract.

2. Update – Water Valves. (RJC)

Mr. Coolbaugh said that no additional water valves have been checked but 2 have been replaced on Corporate Drive. A water line was done on Route 11 and it was the same problem at the Quick Way. There is a concern as to the standard of the copper since it is corroding. Councilman Diffendorf suggested that the Town look into doing these jobs on their own in the future since this might be a continuing problem. The cost of a mole should be checked into. There was a problem on Dau Court and the copper line was replaced with plastic and there hasn't been a problem since. There is no evidence where

**TOWN OF KIRKWOOD
WORK SESSION**

July 5, 2011

the acid is coming from. Councilman Grubham questioned why this is happening in Kirkwood when there are millions of miles of copper pipe around this country.

Ray Coolbaugh said that John Finch has checked on overall water usage and he will get the info to the Board.

3. 2011 Agreements as follows:

Lauren Verrocchio – Arts & Crafts

Brittany Finkle – Arts & Crafts

Nicholas Polhamus – Arts & Crafts

Supervisor Kniffen explained that these annual agreements are for the youth summer program held this year at Bell School. Mr. Kline will check with the school attorney regarding an agreement to use the school.

4. Discussion – Change Order #3 from Pinnacle Construction, Inc. –
Stratmill Road Pump Station. (RJC)

Mr. Coolbaugh said that he spoke with Ron Cobb of Hawk Engineering and they changed the percentage from 15% to 5% for the profit margin. Mr. Cobb has a call into Pinnacle about the electrician rate and they have not gotten back to him yet. A payment has not been made to Pinnacle. Councilman Grubham said that the markup was wrong on both ends.

5. SEQR Determination and Agreement with Susquehanna Valley
Central School District for River Park Soccer Field and Donnelly
Elementary School Soccer Field. (HAK)

Councilman Weingartner explained SV has requested the use of Kirkwood's soccer field at Veterans River Park for a couple of weeks for their summer camp because they usually use a field at Donnelly School which is under construction. When the season starts Kirkwood will be able to use Donnelly's field for any overages or rainouts. Resolution.

6. Discussion – Resolution Adopting Code of Ethics for Town of
Kirkwood. (HAK)

Mr. Kline explained that in 1970 the Town Board adopted a Code of Ethics for the Town and since that time there have been a number of changes to the old law. The State Comptroller has come out with a model Code of Ethics which is much more detailed than the old law. This is something that should be updated since it is looked at during an audit. Every new employee receives a copy of the Code of Ethics and they have to sign off indicating they are aware of the rules. Review for discussion at next work session.

**TOWN OF KIRKWOOD
WORK SESSION**

July 5, 2011

7. Tax Cap Law Update. (HAK)

Mr. Kline explained that the new Tax Cap Law is 85 pages long so he created and reviewed a one-page summary which is on file in the Town Clerk's Office.

Review:

1. The new law becomes effective for the Town immediately so the budget for 2012, which will be addressed soon, will have to comply.

2. The cap is on the taxes that are levied, not the expenditures. This is the "Balance to Be Raised by Tax" column on the budget summary sheet. The cap is 2% or the cost of living, whichever is less. The fire, water, sewer and school districts have a separate 2% cap as well. Mr. Kline clarified that this does not pertain to water that is sold by meter, only to the O&M. There is no cap on state taxes.
3. Exceptions were reviewed:
 - A. Pension contribution increases in excess of 2% where a higher percentage has already been committed to.
 - B. Tort judgments or court orders in excess of 5% of local government levy.
 - C. A school district cannot override the 2% without a vote of the voters but a town, village or city can adopt a local law signed by at least 60% of the Board (3 members in Kirkwood) to exceed the 2%.
 - D. If a clerical or technical error is made in calculating and too much is raised, the excess that is improperly raised goes into a reserve fund to be applied in future years against the rate, but not more than the cost of living plus 1.5%. Discussion as to computing cost of living increase.

5. When there is tax growth in a community there is a way to take advantage of it since the preliminary tax roll is adopted in May and the final roll is adopted in July, after the BAR makes their determination. If there is an increase which is reported to the NYS Commissioner of Taxation and Finance, and he agrees, the Town would be able to use a "quantity change factor" to bump up the base assessment. Mr. Kline noted that this gives a town a very small ability to increase their tax levy.

6. Mr. Kline explained the tax levy limit calculation. The taxes from the prior year are multiplied by the tax growth factor (if any), plus PILOTS receivable in prior years. Then the prior year tax levy is subtracted and that amount is multiplied by the tax growth factor (if any), and the PILOTS to be received in the coming year are subtracted. Also if there is a carryover it is added in.

7. **Mandate Relief.**

A Mandate Relief Council was created to look at state mandates which impact budgets. There are certain fuels and electricity which can be purchased that won't impact a town's budget. Certain computer technology can be purchased through the federal government without competitive bidding. Highway projects less than \$250,000 can be done in house. Deposits for plans and specs may or may not be required. Local governments can make up to 3 requests per year of the Mandate Relief Council to determine if something is unfair, but the Council may not agree. There are no local representatives on the Council.

**TOWN OF KIRKWOOD
WORK SESSION**

July 5, 2011

Mr. Kline noted that it appears that the mandate relief does not give much relief. He added that 90% of this deals with schools and the NY Rent Law. As a clarification to Councilman Diffendorf, Mr. Kline said that a school budget over the 2% cap would be approved if 60% voted in favor.

8. Water & Sewer Rolls Update. (HAK)

Mr. Kline presented an update on his progress working on the water and sewer rolls with the help of Ken Newberry and John Finch, Jr. Mr. Kline explained that he received a list of every property in the water and sewer districts from Broome County Data Processing. He checked to be sure that there were no missing properties through review of the Town's tax roll as well as the Planning Board and ZBA minutes. Over the years there were a number of split outs, divided properties, etc. there were not caught. He will be meeting with John Finch Jr. to address certain property questions. Possibly a committee could be created to work with him to review and come up with a list containing tax map number, owner, prior units, increased units and why. In 1964 unit categories such as commercial, laundromat, restaurant, etc. were created and since that time new kinds of businesses have come to Kirkwood and need to be added as new categories to determine how much water they use. The formula used for a base is a house on a 100 foot lot with 4 people. This is doubled for a 2-family house and it's 5 times for a restaurant, etc. It must also be determined if the proper calculations are used in all instances. The industrial and commercial properties receive a letter annually to update their information and usually there is very little change with the exception of employees. There is a credit given for the number of employees and if they use more than the credit there is a surcharge. They are supposed to supply Form 990 with their questionnaire, which lists their employees and makes it easy for the Town to track. In recent years the forms have not been returned with their questionnaires so that will be a specific request this year. Mr. Kline said that the Board may want to consider sending letters to people who will be increased with an explanation and set aside a time for appointments for the committee to go over the information with them. After all this the roll can then be completed for this year. This will all need to be accomplished prior to the water and sewer budget hearings in November.

Supervisor Kniffen agreed with sending out the letters and that people should be given an opportunity to come in for more information to understand the changes. Councilman Diffendorf and Ray Coolbaugh will be part of the committee.

Mr. Kline added that once this is done there will be check list to use which will make this easy to keep up.

**TOWN OF KIRKWOOD
WORK SESSION**

July 5, 2011

9. Building & Code Department Changes. (GEK)
Sharon Pompeii from Secretary PT to Senior Clerk PT
Ken Newberry from Building Inspector PT to Code Department
Receptionist PT
John Rudy from Temporary Building Inspector PT to Permanent
Building Inspector PT

Supervisor Kniffen explained the changes that are planned for the Code Office. It will help the Town to manage the department even better and it will reduce costs. The recommendation is for the secretary to go from full time to part time and her job duties will be refined to reflect that she is no longer a senior typist but a senior clerk part time, which is 19 ½ hours a week. Ken Newberry will be giving up his fire inspection responsibilities and John Rudy, who has the credentials, will fill that position of Permanent Building Inspector PT. Since the secretary will not be here early in the morning, Ken Newberry will work 8:00AM to 9:30 AM as Code Department Receptionist PT. Bob Kiberd is back working part time as well. This will initially save about \$4700 a year but most likely will double. Resolution.

10. Resolution Honoring the Windsor Softball State Champions. (GEK)
Supervisor Kniffen reported that there will be a ceremony tomorrow evening honoring the softball champions. Resolution.

11. Audit of Claims.
Resolution.

Other.

Councilwoman Yonchuk noted a concern about the future of the UMA facility in the Plaza since the only practitioner there now will be leaving in a month. There are many senior citizens and young parents with children in the Kirkwood/Five Mile Point area who use the facility. Supervisor Kniffen will check into it.

In response to Roy Tondeur who requested that the nights for Town Board meetings and work sessions be reversed, Supervisor Kniffen explained that the Board discussed it and there does not appear to be a real need for that due to participation. He said the real issue is that if the regular meeting was held on the last Tuesday of the month and the work session the first Tuesday, there would only be one week between for issues or projects to come before the Board whereas now there is a month. Voucher submittal would have to be addressed as well. Mr. Tondeur responded that if there was a voucher issue that could be handled like Conklin does. They treat every meeting like a regular meeting and vouchers are approved. Mr. Tondeur took exception to the decision and noted that he most likely will bring it up again in the future.