

**TOWN OF KIRKWOOD
WORK SESSION**

September 6, 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

1. Update – Water Valves. (JAF/RJC)

No report on valves because they have been busy reading meters. Meters replaced with radio reads: 17 1-inch meters, 20 heads and 5 ¾-inch meters. The Town does have the equipment to read them – palm pilots.

2. Resolution ratifying a resolution authorizing Supervisor to enter into an agreement with Justin Spalik as Independent Contractor, to conduct an Arts & Crafts Program for the Kirkwood Advisory Board, in accordance with the attached agreement. (GEK)

Resolution.

3. Resolution ratifying a resolution authorizing the Supervisor to enter into an agreement with the Town of Conklin relative to the 2011 Summer Arts & Crafts Program, in accordance with the attached agreement. (GEK)

Resolution.

4. Discussion – Sick Leave Donation Policy Revisions. (GEK)

Supervisor Kniffen explained that the Board adopted a Sick Leave Donation Policy so that when an employee is out on an extended leave of absence due to illness and they run out of sick time, employees who have accrued a lot of sick time can contribute to that person if they so choose. The change needed is found in III. Procedures, d., with “vacation” being omitted. The second proposed change will be discussed in Executive Session since it is a personnel matter.

5. Discussion – 2011 Assessment Letter from Penguin Group. (HAK)

Mr. Kline explained that there was an assessment review proceeding filed against the Town by the Penguin Group and one of the attorney’s in Mr. Kline’s office represents them but he did not bring the action, they are represented by a Syracuse attorney, so Mr. Kline wrote a letter to the Penguin attorney and asked them if they had any objection to

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him representing the Town in this matter and they have no objection so long as he does not talk to Frank Nemias, the lawyer in his firm representing Penguin and he said that he would not. This is in the preliminary stage and will continue.

6. Discussion – Outdoor Boiler Local Law. (HAK)

Mr. Kline explained that Rei Valenzuela worked with the Planning Board on this. Kirkwood was one of the first communities that adopted an Outdoor Wood Boiler Local Law, which the Planning Board recommended to the Town Board a number of years ago. Now NYS has decided to do on a statewide basis what many towns have been doing individually all different ways. The State adopted its own DEC regulations on the use of outdoor wood boilers. The Town's local law is not consistent with the State law so something has to be done with outdoor boilers that went into operation before April of 2010 since the Town's local law cannot be any less restrictive than DEC's regulations. The new boilers are covered by DEC. A public hearing will be required to update the Town's local law from the beginning up to the time DEC took over. Mr. Kline noted that the Board has received a copy of the changes. Resolution to schedule a public hearing.

7. Discussion – Metalico. (GEK)

To be addressed at the Town Board Meeting immediately following.

8. Resolution ratifying a resolution authorizing Supervisor to execute the attached 2011 Justice Court Assistance Program Grant Application. (GEK)

Supervisor Kniffen explained that this grant application is to help with the money spent on the update for the courts. Councilman Grubham stated that grants are available up to \$30,000 but he does not know what the amount will be in this case. Resolution.

9. Discussion – Highway Expenditures. (RJC)

Ray Coolbaugh noted that these expenditures are for projects that need to be completed by the end of 2011. Councilman Diffendorf questioned if the Town employees would be doing the paving. Ray said that it would be done by Broome Bituminous at a price of \$59 per ton (two prices were received) which includes the paver, the screen man and blacktop. This is state contract price. The Town supplies the roller, flaggers and trucks. The Town does not have enough manpower to do it themselves. Question as to whether this could be a town project using another town's paver, such as Windsor, since they have a paver. This will be checked into. Between Chips and permanent improvements the total expense is about \$149,000 of which Ray is expecting to spend about \$127,000. He is planning to leave money for crossover pipes. If a road is in rough shape, like Haskins Road, the plan is to blacktop, and others that are not so rough will be stoned and oiled. Discussion as to whether various roads can be chipped or blacktopped. Councilman Diffendorf noted a concern that Sherwood Valley and Ruth streets will be paved since they have very few houses on them and this is a big expense, as well as the expense to

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pave Haskins. Councilman Grubham noted that with the concern with the budget next year paving most likely won't be an option, only stone and oil so Ray might want to consider that this year as well to save money. Councilman Diffendorf said that Haskins has always been stoned and oiled. He suggested that the roads should be shimmed with blacktop and then stoned and oiled.

Supervisor Kniffen said that if the Board agrees that these road should be done then Ray should proceed because next year there is going to be a problem. He asked Ray to look at next year now to see if anything else can be done this year with the tax cap concern next year. Ray said that there are a lot of crossover pipes that need to be replaced.

10. Discussion – List of DPW items to be sold at Broome County Auction. (RJC)

Ray Coolbaugh said that these items need quite a bit of work and he would like to take them to the auction. As far as the equipment many things have never been used and they are just taking up space. Various equipment items discussed. Although Councilman Diffendorf was a bit concerned that the 1969 Trac Paver is included he was informed that other towns have pavers that could be used by Kirkwood. All items listed will be taken to auction and possibly some items in the basement of the Code Building that might be included.

11. Discussion – FEMA Update. (RJC)

In regard to the 2011 spring flooding, Ray Coolbaugh said they estimated about \$70,000 but will actually be getting \$81,253.27 for damage to a number of roads in Kirkwood. Supervisor Kniffen said that although there is a freeze on FEMA projects, this is exempt from that.

12. Budget Transfers.

Supervisor Kniffen explained that the policy is that each department has to stick to their budget and if they are going to exceed their budget they have to get prior approval from the Board. He noted that the items included on this list are not controllable, such as utilities, legal services, etc. Councilman Diffendorf questioned the transfer regarding data processing contractual. Supervisor Kniffen said that this was done after the budget so it requires a transfer. He will check into it to verify it.

13. Audit of Claims.

No discussion. Resolution.

14. Executive Session.