

**TOWN OF KIRKWOOD
SPECIAL TOWN BOARD MEETING**

October 10, 2011

A special meeting of the Kirkwood Town Board was held on October 10, 2011 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

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

Also Present: Herbert Kline, Town Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, DPW Commissioner
Marchie Diffendorf, BC Legislator & Planning Board Chairman
Duane Travis, ZBA Chairman

PLEDGE OF ALLEGIANCE:

Following the Pledge of Allegiance a moment of silence was observed for Ken Newberry an employee and long time Town of Kirkwood resident who recently passed away.

Approval of Minutes, Public Participation, Communications and Committee Reports all dispensed with.

NEW BUSINESS:

2012 Preliminary Budget Discussion:

Councilwoman Yonchuk said she feels this is a good budget that fits within the cap and it is only going to get harder in the next couple of years. She is concerned with a couple of things that were cut but wouldn't know where else to do it. If they could stay within the budget cap she would rather not cut out the contribution to Ross Park Zoo entirely, but leave \$2,000 in.

Councilman Diffendorf said that he wants to stay within the cap and feels they should use the entire 2%. He would be fine leaving in the \$2,000 for Ross Park and noted that he received a call from a gentleman who uses the park passes.

Councilman Grubham said that he is pretty happy with the budget and wants to stay within the cap. He noted that things are going to have to gradually be eliminated and he does not feel strongly about the funding for Ross Park Zoo passes, but if \$2,000 is put back in they will have to find a place to take it out of. Councilman Diffendorf questioned if there would be enough revenue to cover it from the change in the youth program now that they are charging non-resident children to play in youth sports. Councilman Weingartner said that he estimates the revenue to be a maximum of \$500. Councilman Diffendorf also questioned if Kirkwood should still be paying youth coaches since they are the only town that still pays coaches and he doesn't feel they expect to be paid. There are a lot of youth sports and he feels this savings would be close to the amount needed to fund the \$2,000 for the park passes. Councilman Weingartner noted that most of the coaches just treat the kids with the money they receive for coaching. Councilman Grubham said if they were to do this he would be more in favor of the \$2,000 for the park passes.

Supervisor Kniffen said that he is in favor of the \$2,000 as well and will work with Jim Smith on it.

Councilman Weingartner said that he would like to stay within the tax cap but it is tough to do when there is no tax cap for the state. He said that after talking to Jim Smith, if they do go over the cap as noted in his proposal, on a \$75,000 assessment it would be an increase of \$20 a year or possibly less with using \$40,000 less of the fund balance. He said Jim is the Budget Officer and his advice is to exceed the tax cap and he looks at him as the expert. He also noted that some of the other towns will be exceeding the cap and

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there will be additional expenditures in the next year due to the flooding. He said although he would like to stay within the cap he is looking further down the road at what future Town Boards will have to deal with. He is concerned with the future of the fund balance and noted with his proposal the fund balance would be reduced by \$152,000 by exceeding the cap instead of \$192,000 by staying within the cap.

Supervisor Kniffen explained where he feels the Budget Director is coming from and his own views on the budget. He said that if Boards follow the law he feels two things are going to happen, fund balances will be used up and it will force more municipalities to consider consolidation. He was informed that there is no limit to the times you can override the tax cap but he doesn't feel is it very good representation of the people if it is ignored. In regard to the fund balance, he said that historically it has never been reduced to near what it was predicted to be reduced because of tax increases and keeping spending down. Supervisor Kniffen reviewed the general fund tax rates from 2005 when it was \$.30 to the current \$1.37, which is a 457% increase. With Councilman Weingartner's proposal it would go from \$3.65 to \$4.17 and he doesn't feel they should do that to people. Again Councilman Weingartner said that he trusts in what Jim Smith says and although he is glad the predictions did not come true, the tax cap is great in theory but it won't rear it's ugly head until later on down the road when everyone uses up their fund balances. Additional discussion between Supervisor Kniffen and Councilman Weingartner regarding this proposal.

Mr. Kline explained that the tax cap includes the total of general funds, highway, fire, light, sewer and water. He noted that at one point the Board was considering a tank in the water district and there is no exemption for new capital projects. He added that they would have to stay within the 2% for the annual amounts of principal and interest. It was noted that water rates could be raised without consideration of the 2%, but combined with everything else the O&M must be kept within the 2%. Discussion as to the increase on those living in a water and sewer district as opposed to those that do not. Mr. Kline said that although some individuals that do not reside in a water and/or sewer district will be taxed less, it is the total amount of the levy of the district that is considered, not the tax on the individual taxpayer. Short review of Tax Cap Levy Worksheet submitted by Jim Smith. The consensus was not to accept the proposal of Councilman Weingartner.

133-11
Sched PH
Preliminary
Budget 2012

Councilwoman Yonchuk moved to adopt Resolution Approving the Tentative Budget for 2012 and amending the same by increasing Ross Park Zoo by \$2,000 and decreasing Youth Contractual to offset same and as so amended being the Preliminary Budget for 2012 and Directing Public Hearing to be scheduled for October 25, 2011 at 6:00 pm.

Councilman Diffendorf seconded.

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

MOTION CARRIED.

134-11
Randy
Coolbaugh
PERMA
Education

Councilman Diffendorf moved to adopt resolution authorizing Randy Coolbaugh to attend the PERMA Regional Meeting – Hands on Safety Training in Pittsford, NY, October 20, 2011 from 12 noon – 2:00 pm, with all reasonable expenses paid.

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

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Discussion regarding Code Department.

Supervisor Kniffen reported an issue in regard to the Intermunicipal Agreement with the Town of Binghamton regarding shared services of code enforcement officers, that vouchers were submitted for time worked by the Binghamton officer immediately after the flood. Mr. Kline explained that according to the agreement Binghamton would voucher for anything Kirkwood would be reimbursed for by FEMA and if Kirkwood would not be reimbursed by FEMA then they would not charge Kirkwood. Apparently there is an issue as to whether this is overtime or straight time as well so this will have to be checked into and the work as agreed to is on hold.

In regard to another issue, Supervisor Kniffen said that they were considering having the Binghamton code official do fire inspections and John Rudy do code work for the time being. The Town of Binghamton official does not want to do fire inspections and would only like to help out with code work on the weekends and that doesn't work. They are trying to find someone available to do fire inspections, but due to the recent widespread flooding there does not seem to be anyone available. Since John's hours have increased substantially since he was initially hired Supervisor Kniffen suggested that they advertise for someone to do fire inspections temporarily. Councilman Weingartner said that in the past firemen could be hired part time to do that. Everyone will check to see if they know of anyone qualified who would be interested and if not an ad will be placed.

Equalization Rate:

Supervisor Kniffen reported that they received notification from Broome County that they did not apply the appropriate equalization rate for this year and they want to take it into account next year. Although it was not clear, Mr. Kline said it looks like they have increased the Town's levy from \$2.383 million to \$2.419 million, which means an additional \$36,000. This would not affect the Town's budget but will be reflected in the County budget for Kirkwood taxpayers.

ADJOURNMENT:

Councilman Weingartner moved to adopt resolution to adjourn the meeting. Councilman Grubham seconded. All voted in favor.

135-11
Adjourn

Meeting adjourned at 6:50 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk