

TOWN OF KIRKWOOD TOWN BOARD MEETING

June 2, 2015

A regular meeting of the Kirkwood Town Board was held on June 2, 2015 at 6:00 PM at the Joseph A. Griffin Town Hall with Deputy Supervisor Lewis Grubham presiding.

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

Absent: Supervisor Gordon Kniffen

Also Present: Oliver Blaise III, Deputy Town Attorney
Gayle Diffendorf, Town Clerk
Joe Barton, DPW Deputy Commissioner
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

May 5, 2015 Town Board Meeting
(2) May 30, 2015 Public Hearings

PUBLIC PARTICIPATION:

Carl Marsinko of 1133 Rt. 11 explained that for about 7 or 8 years their neighbors have refused to cut their weeds and remove sumac and every time the Marsinko's mow their lawn they have to stop and remove branches. The neighbors have refused the Marsinko's offer to maintain the property for them. In fact, they are not allowed to touch their neighbors' property. The neighbors will not comply with the Town ordinance that states that owners of property in Kirkwood "shall cut, trim or remove from the land owned by them brush, grass, rubbish, or weeds, or spray poisonous shrubs or weeds on such land". Apparently the neighbors maintain the property borders with others but not the north border which is with the Marsinkos. He cited a recent confrontation between his wife and the neighbor which occurred on their side of the creek. The Marsinkos have had to deal with a ditch that splits their property, they had no say about a sewage pumping station in their front yard and have to deal with creek issues which is causing erosion to their property. His neighbors are not complying with the Property Maintenance Code and he is questioning how much a Kirkwood taxpayer has to endure. They have recently contacted Supervisor Kniffen and Scott Russell and are looking for help in getting it resolved. After being contacted by Supervisor Kniffen and Scott Russell last year the neighbors did cut the weeds. Dep. Supervisor Grubham said he will look into this to determine if there is a property maintenance problem that should be taken care of, and if that is the case Scott will enforce it. He added that these types of situations are difficult because if they did cut the weeds last year, this is now another year and Scott would have to deal with the issue again. Mr. Blaise said if a property is not in compliance with the Property Maintenance Code of the Town or State, Scott would issue a violation notice and it would go through the town court process, which would be the only involvement the Town can have. The creek issue is a private civil matter and they would need to contact their own attorney in that regard.

John Cizauskas explained that about 24 years ago the Town installed a new ditch pipe in front of the house next to him on John Street at a grade of 7 inches higher than his property and the water flows towards his neighbor. Soon afterward he had a problem with an open ditch, which he used to cut the grass in. He said he has put in 3 pipes on his property over the years. As a result of his numerous complaints the Town put in a 60 foot pipe under his driveway that he purchased. Since that time the original pipe raised up and collapsed and created a dam. The Town created this problem, the ditch is full of water and he is tired of having a swamp in his driveway. He is looking for help to correct the problem. Joe Barton said they are looking at the situation with the consideration of digging the pipes up to the corner and dropping everything and filling the ditch in beyond Mr. Cizauskas' driveway, or bring a ditch across at the corner area of the properties. He said there is definitely an issue but there is no date set when this will be

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taken care of or exactly what they are going to do. Dep. Supervisor Grubham said he will talk to Ray Coolbaugh about this. Joe assumes they will take care of this issue before any paving is done in that area, although it is not clear if John Street is scheduled for paving.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Councilman Diffendorf reported that he learned some things at the PERMA meeting he recently attended and met people who will be helpful to him in the future.

Councilman Weingartner read the dog control reports from December 2014 through April 2015.

OLD BUSINESS:

74-15
Adopt
EAF
LL #2
Aquifer
Permit
Pub.
Expense

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 2-2015 entitled "A Local Law Amending the Town of Kirkwood Zoning Local Law", regarding publication expense for Aquifer Permit Notice of Renewal, in accordance with the attached Short EAF. Councilman Diffendorf seconded.

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

MOTION CARRIED.

75-15
Adopt
LL #2
Aquifer
Permit
Pub.
Expense

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2015 entitled "A Local Law Amending the Town of Kirkwood Zoning Local Law", in accordance with the attached resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

76-15
Adopt
EAF
LL#3
Sewer
Rents

Councilman Weingartner moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 3-2015 entitled "A Local Law Amending a Local Law Establishing Sewer Rents to be Imposed Upon Properties within Sewer Districts and Extensions thereof in the Town of Kirkwood", regarding decrease in sewer rent rate, in accordance with the attached Short EAF. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

77-15
Adopt
LL#3
Sewer
Rents

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting Local Law No. 3-2015 entitled "A Local Law Amending a Local Law Establishing Sewer Rents to be Imposed Upon Properties within Sewer Districts and Extensions thereof in the Town of Kirkwood", in accordance with the attached resolution. Councilman Diffendorf seconded.

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

MOTION CARRIED.

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Councilman Diffendorf moved to adopt resolution scheduling a Public Hearing for June 30, 2015 at 6:00 PM regarding Susquehanna Lane Water Line Extension. Councilman Weingartner seconded.

78-15
Sched
PH
Susq Ln
Water
Line Ext

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution accepting the Recertification of the Records of Activities for Cyndi French, Dog Control Officer, in accordance with the attached recertification. Councilwoman Yonchuk seconded.

79-15
French
DCO
Recert
Ret. Hrs

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution accepting the Recertification of the Records of Activities for James Smith, Budget Director, in accordance with the attached recertification. Councilman Diffendorf seconded.

80-15
Smith
Budget
Director
Recert
Ret. Hrs

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to execute contract with Coyne Textile Services, in accordance with the attached contract. Councilman Weingartner seconded.

81-15
Coyne
Textile
Contract
(Carpets)

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to enter into an agreement with Police Athletic League (PAL) for the 2015 Summer Program, in accordance with the attached agreement. Councilman Diffendorf seconded.

82-15
PAL
Agrmnt
Youth
Program

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to enter into an agreement with ACHIEVE for the 2015 Summer Camp Program, in accordance with the attached agreement. Councilman Weingartner seconded.

83-15
ACHIEVE
Agreement
Youth
Program

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

MOTION CARRIED.

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84-15
Arts &
Crafts
Agrmnts
Youth
Program

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to enter into agreements with Jackie Cooper, Tysen Gates and Fletcher R. Weingartner as Independent Contractors to conduct an Arts & Crafts Program for the Kirkwood Youth Advisory Board, in accordance with the attached agreements. Councilman Diffendorf seconded.

Roll Call Vote: Councilman Weingartner - abstain
 Councilwoman Yonchuk - yes
 Councilman Diffendorf - yes
 Dep. Supervisor Grubham - yes

MOTION CARRIED.

85-15
Conklin/
SV
Arts &
Crafts
Youth
Program

Councilman Weingartner moved to adopt resolution authorizing Supervisor to enter into an agreement with the Town of Conklin and Susquehanna Valley Central School District relative to the 2015 Arts & Crafts Program, in accordance with the attached agreement. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

86-15
Town
Fair
Issue
Permit

Councilwoman Yonchuk moved to adopt resolution pursuant to section 3A(e) of Local Law No. 2-1976 entitled "A Local Law Regulating the Use of Parks of the Town of Kirkwood", authorizing Town Clerk to issue a permit to the Kirkwood Town Fair, Inc., for the use of the entire Kirkwood Veterans River Park on August 6, 7, and 8, 2015 without any permit fee to guarantee proper clean up after each use. Councilman Diffendorf seconded.

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

MOTION CARRIED.

87-15
Appoint
C. French
DCO

Councilman Diffendorf moved to adopt resolution appointing Cynthia French as Dog Control Officer-OC of the Town of Kirkwood on a probationary status. Councilman Weingartner seconded.

Discussion: Dep. Supervisor Grubham explained that Cyndi had to take the civil service test and scored well. She now must be reappointed and since it is considered a new position through Broome County the status is considered probationary.

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

MOTION CARRIED.

88-15
Purchase
Flail
Mower

Councilman Weingartner moved to adopt resolution authorizing the purchase of a new Flail Mower from the National Joint Power Alliance, at a cost of \$8,123.80, to be paid with CHIP funding. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

89-15
Highway
Money
Agrmnt
HELD

Resolution authorizing Highway Superintendent to enter into an agreement with the Town Board regarding Expenditure of Highway Moneys, in accordance with the attached agreement. **HELD.**

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AUDIT AND PAYMENT OF CLAIMS:

Councilwoman Yonchuk moved to adopt resolution authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts (Fire, Light, Water and Sewer Districts), Professional Services, Capital Projects and Reserve Funds claims, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 6, 2015, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Diffendorf seconded.

90-15
Audit/Pay

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

MOTION CARRIED.

OTHER:

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

91-15
Ex. Sess.

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

MOTION CARRIED.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 6:47 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk