

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**May 1, 2018**

A regular meeting of the Kirkwood Town Board was held on May 1, 2018 at 6:04 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: Oliver Blaise III, Attorney  
Gayle Diffendorf, Town Clerk  
John A. Finch Jr., Commissioner of Public Works  
Marchie Diffendorf, Planning Bd. Chairman  
James Kavalesky, Building Inspector  
Nick Cortese, Attorney

**PLEDGE OF ALLEGIANCE:**

**HEARING – PROPERTY AT 1080/1090 ROUTE 11, RITTER:**

Mr. Blaise stated this is a hearing for 1080/1090 Route 11 which is owned by Mr. Ritter and this Board passed a resolution at the April Board Meeting to declare the white house on that property an unsafe building pursuant to the Town’s Unsafe Buildings Local Law and ordered demolition under the Town Law and the owner of the property, Mr. Ritter, is here tonight and has the opportunity to address the Board and provide evidence or comment, if he wants to, about that resolution and then after Mr. Ritter speaks the Town Board will address the resolution in the regular order of business. Mr. Blaise turned the meeting over to John Mastronardi, the Town’s Engineer, to basically reiterate his findings about the condition of the white house supporting the resolution to demolish it.

John Mastronardi stated that back on March 7, 2018 he and the Code Enforcement Officer, Chad Moran, visited the subject property and as they observed the conditions they found multiple deficiencies at this structure and, if you read the Unsafe Buildings Code Section, all of the deficiencies fit all five of the criteria spelled out in that Section. He said the building has become a danger or is unsafe to the general public, is open at multiple doorways and windows making it accessible to and an object of attraction to minors, it’s become a place for rodent infestations, presents a danger to the health, safety, morals and general welfare of the public and, lastly, it’s unfit for the purposes for which it may be lawfully used. Mr. Mastronardi presented additional photos for the Board’s review. Mr. Blaise said the resolution was passed and filing, condemning the property, was made with the Broome County Clerk’s Office as required by Local Law and notice of tonight’s proceeding and the resolution was served on the reputed owners of the property, Douglas Ritter, Carole Ritter and Steven Ritter. Mr. Ritter was in attendance, so Mr. Blaise informed him this was his chance to address the Board concerning the demolition of the white house.

Mr. Douglas Ritter stated first he was not timely notified of the meeting because he only received notice three business days beforehand and that is not enough time to address the issues. He said he was denied due process of law. He said certain laws were quoted and he requested a copy of those laws from the Town’s Code Enforcement Officer who refused to give them to him. He said he has trouble with the internet but the Code Enforcement Officer refused and said to go through the Freedom of Information process to get the requested information. Mr. Ritter said there was not enough time to prepare and he was told by the Code Enforcement Officer that’s his problem. Mr. Ritter said he is asking for an extension because he was denied due process and he needs a copy of the laws. He said the pictures he got of the problems are black and white and are not clear, they are fuzzy and it’s hard to figure out what they want.

Mr. Blaise told Mr. Ritter that after his comments there will be a resolution introduced to move forward if the Board so desires. He responded to Mr. Ritter, that yes, this would be the only time for him to address the Board.

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Mr. Ritter stated there are seven or eight things, if he understands right, that the Town is complaining about, and he has no idea what the law is, that he's only guessing, one being rotting wood. He said it doesn't say where or how bad and that rotting wood can be in any building and can be replaced and fixed, it's that simple. In regard to the sanitary sewer plumbing being disconnected in several places, Mr. Ritter said it doesn't say where, but according to the picture he thinks he might know where it is and in that area there was a sewer line many years ago that was disconnected at both ends and a new one put in. In regard to sewer gas, Mr. Ritter said he doesn't think there is any, but he can't be sure, but the building has been vacant for seven years so it's not affecting anybody and that's an easy fix. In regard to the building being open to the elements, Mr. Ritter said that's been remedied, that all of the doors have been padlocked, they found one window with no glass and there may be others that they will board up if needed. He said he will secure the building. In regard to the rodent and wildlife issue, Mr. Ritter said there was one dead animal outside the building, noting that the building is right next to woods and vacant land and there could be wild animals in the area. He said one dead animal doesn't mean it's heavily infested with rodents or wildlife and he has a pest control license and can easily remedy that. In responding to the issue that it appears unsound, Mr. Ritter referenced a property he purchased for \$3,000 at 38 Lydia Street in Binghamton that had a fire. He said the roof looked like it was about to collapse and one engineer looked at it and said he would have to tear off the roof and completely rebuild it and another engineer said it could be reinforced and fixed and for very little money. He said he reinforced the roof that was about to cave in and it's three times stronger than it was when it was built. He said there are differences in engineers' opinions. In regard to the unsafe foundation, Mr. Ritter said there is a picture showing one block missing on one corner. He said that's not from decay or deterioration, he hit it with a car many years ago. He said there are no cracks around it, it's a storage area, and it doesn't affect the structure of the building so he didn't do anything with it. He said it can easily be fixed. In regard to a picture of another area, Mr. Ritter said he doesn't see anything wrong with that part of the building. Regarding the failing inside wall, Mr. Ritter said it doesn't say where, that it talks about mold and mildew and nobody lives in the building, that it had flood damage. He said the Broome County Health Department told him face to face that black mold is not a serious health hazard. He said that is an easy fix, you spray it with a bleach water solution and it will take care of the mold. In regard to the electrical service, Mr. Ritter said the main service was flooded and disconnected and there is no hazard to the building. He said he sees nothing wrong with the foundation. Referring to the green building next door to the white building, Mr. Ritter said the chimney was much worse than that and has been fixed. In referring to a building at 9 Barber, Mr. Ritter said the foundation was cracking and they fixed it and now that building has an excellent foundation. He said those are things that can be fixed and fixed easily. Mr. Ritter said the deck on the back of the building is secure even with the tree falling on it, as shown in a picture. He said they found one dead animal and took care of the carcass. He said the plumbing issue is likely the line they discontinued purposely because it had dips in it underground and was plugging up constantly and they put a new sewer line in years ago.

Mr. Ritter said he did not currently fix up the building and rent it out but he will go back to court and get reversed the decision that said it can't be rented. He said over the last seven years he has bought over 25 properties, paying between \$3,000 and \$5,000 dollars for over half of them, so you can't tell him that's a palace for that kind of price. He said they were in rough shape and we fixed them all up and they are rented, except for two of them which we haven't gotten to yet. Mr. Ritter referenced a building he purchased for \$6,000 that had fire damage. When he went to court they wanted him to fix it up and the housing code inspector said he saw the building right before Mr. Ritter bought it and he thought it had to be torn down, it was in rough shape, and after Mr. Ritter fixed it up he said he couldn't believe it was the same building, that it was fixed good, it was safe, it was livable. Mr. Ritter said he can do the same thing with the building in question. He said his guys have had many years of experience and they've fixed up many buildings. Mr. Ritter referenced an article in the Press about a building that has termite damage, is decaying and falling down and is in worse shape than this building, and it can be fixed. He said if the Town would give him permission tonight that is what he would like to do with this building and before the end of this year he will have the building fixed and rented. He said the Board

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can do what they want to, he can't stop that, but questioned if they want to spend one to five years in court arguing this out with attorney fees on both sides. He said if he wins he expects to be paid for all his costs. He said if the Board takes the action as proposed we will be in court and he will do the best he can to get it overturned. He said he hopes the Board doesn't put him in a corner, that he hasn't decided what he's going to do, whether to fix it up or not. He said he has a lot of other work right now to fix up the buildings he's bought. Mr. Ritter stated he hasn't had time to look at the other building.

Mr. Ritter stated that in the past the Town Supervisor came to him and wanted to buy the property to use as a boat dock. He said at that time he could not sell it for anything close to what he proposed. He said some of those things have been taken care of since then and if the Town wants the property he'll go by the assessment cost figuring in the inflation rate.

Supervisor Kniffen said let's understand why no one is living in that house. He said the reason is because it was declared over 50 percent damaged so nobody could live in there. He said in order to do that it would take extensive engineering costs and the building would have to be raised. Supervisor Kniffen said he, Mr. Ritter and another witness looked at that site and walked up to the white house and Mr. Ritter said "if I ever try to raise it, it would collapse", and questioned Mr. Ritter if he is now telling us that it's safe. Mr. Ritter said an engineer that knows what they're doing could probably raise it, he can't do it, only an expert on raising buildings. He said you're looking at a court decision, the Town papers for that decision you're talking about did not state a price for raising the building, it stated what the assessment rate was and that's illegal under federal law. He said you could lose your flood damaged property rights under this. He said the State has since come out and said they have the updated appraisal, the only appraisal ever made on that building was late, that he made it, and it was within 50 percent to repair that building and he spent less than 50 percent of the appraisal which was made. He said if the Board forces him, he will go back to court and do his best to get the other decision overturned. He said he may be able to fix it up and rent it.

Councilman Grubham questioned Mr. Ritter as to who from the Broome County Health Department told him that black mold wasn't a problem. Mr. Ritter said he doesn't remember the name. He referenced an instance where an apartment of his had black mold due to water damage from a water leak and they asked him to remedy it. Although he made three attempts to take care of it, the tenants refused to leave, so the Health Department said not to worry about it, that it wasn't a serious health hazard. He said he is not saying that you should live with black mold and responded to Councilman Grubham that the Health Department said it is not a serious health hazard, not that it's not a health problem. He said he can take care of black mold real easy in an hour.

John Mastronardi said Mr. Ritter brought up a lot of the photos used to point out some of the deficiencies. He stated that he's probably assessed over 100 homes in the flood plain of the Susquehanna River Valley and this is by far one of the worst he has seen. He said sometimes pictures are worth a thousand words but in this instance they are not doing enough justice. He said if he brought these Board members to that house he could point out over 150 deficiencies that meet this Local Law. He said he showed pictures with just a few examples of the doors and windows but they are too numerous to show in dimension. He said the picture of the failing of the block on the corner was the least of his concern. He said there are joints that are completely separated and loose, he could kick probably more than a dozen blocks. He said there are windows that are completely rotted or missing, soffits that are falling away from the house and the list goes on and on. He said if Mr. Ritter were to fix this to NYS Code it would cost a lot of money, more than half of the assessed value or appraised value. Mr. Ritter said they have fixed up buildings in worse shape than this one. Mr. Mastronardi said there is a porch or deck in the rear supported by four by fours which are probably inadequate, is completely unsecure, that it has one by four shims holding it up. He said there is nothing to stop a kid from riding a 4-wheeler or bike and knocking the post and the whole thing collapses. He said there is sanitary sewer piping that was disconnected in at least three visible locations, noting that was the exterior, he does not know what is happening on the interior. He said the lists goes on and on and is too numerous to list in a report with photos. In responding to Mr. Ritter, Mr. Mastronardi said he is not saying that you can't fix any of this, but this is way beyond a feasible or

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practical repair of a structure and it needs to be razed. He said in his opinion it is well beyond something you can repair.

Hearing no additional comments, Mr. Blaise read the following resolution for the Board's action if it so chooses:

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF KIRKWOOD  
ORDERING DEMOLITION AND REMOVAL OF AN UNSAFE BUILDING  
LOCATED AT 1080/1090 NYS ROUTE 11 IN SAID TOWN**

**WHEREAS**, at a regular meeting of the Town Board of the Town of Kirkwood held on April 3, 2018, Town Building Inspector/Code Enforcement Officer Chad Moran, and Town Engineer John Mastronardi, P.E., presented to the Town Board a written report dated March 13, 2018 regarding a site visit they conducted together on March 7, 2018 (the "Report") to observe the condition of a residential structure identified in the Report as the "white house" and located at 1080/1090 NYS Route 11 (Tax Map No.: 178.02-1-3) in said Town (the "Premises"); and

**WHEREAS**, based upon the deficiencies observed and described in said Report, the Town Engineer gave his professional opinion that the "white house" is an "Unsafe Building" as defined under the Town of Kirkwood Local Law No. 2 of the Year 1980 (the "Unsafe Buildings Law"), that the structure cannot be feasibly repaired or rehabilitated, and recommend that the structure be demolished and removed from the property; and

**WHEREAS**, the Building Inspector/Code Enforcement Officer, having directly observed the condition of the "white house" on, among other occasions, March 7, 2018, directed the Town Engineer to prepare said Report, and having reviewed said Report, concurred with its findings that the "white house" is an Unsafe Building as defined under the Unsafe Buildings Law, that the structure cannot be feasibly repaired or rehabilitated, and recommended that the structure be demolished and removed from the Premises with all possible haste; and

**WHEREAS**, after considering the Report, findings and recommendations of the Code Enforcement Officer and Town Engineer, the Town Board found and determined that the residential structure identified in the Report as the "white house" and located at 1080/1090 NYS Route 11 (Tax Map No.: 178.02-1-3) is unsafe, dangerous and qualifies as an Unsafe Building under the Unsafe Buildings Law; and

**WHEREAS**, the Town Board further determined that the "white house" cannot be safely repaired and ordered it to be demolished and removed from the Premises within the time constraints permitted by law; and

**WHEREAS**, pursuant to the Town Board's further order, a Notice of Unsafe Building was served upon, among other parties, the reputed owners of the property in accordance with the acceptable methods and time limitations for service under the Unsafe Buildings Law; and

**WHEREAS**, a due process hearing was held before the Town Board on May 1, 2018 at the Kirkwood Town Hall, located at 70 Crescent Road in said Town on the determinations that the "white house" is an Unsafe Building and must be demolished and removed from the Premises; and

**WHEREAS**, John Mastronardi, PE and Douglas Ritter, appeared at the hearing and offered evidence in support of and in opposition to affirmation of said determinations of the Building Inspector/Code Enforcement Officer and the Town Board; and

**WHEREAS**, The Town Board has carefully considered the evidence presented at said due process hearing, together with the administrative record as a whole.

**NOW, THEREFORE, BE IT RESOLVED**, that the Building Inspector/Code Enforcement Officer's determinations that the "white house" is an Unsafe Building and

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must be demolished and removed from the Premises, which determinations were initially accepted and adopted by the Town Board at its regular meeting on April 3, 2018, are hereby affirmed in all respects; and be it further

**RESOLVED**, that the reputed owners of the Premises Douglas Ritter, Carole Ritter and Steven Ritter have failed to show good cause to extend the time to comply with the Notice of Unsafe Building and, thus, must commence demolition and removal of the “white house” within thirty (30) days of the service of said Notice, and must complete the demolition and removal of the “white house” within sixty (60) days thereafter; and be it further

**RESOLVED**, that if the “white house” is not demolished and removed from the Premises within the said time period, the Town Board shall provide for its demolition and removal, and will assess against the Premises all expenses incurred by the Town in connection with the proceedings to demolish and remove the “white house,” including the cost of actually removing such building, and all reasonable and necessary legal expenses incidental thereto, which assessment shall be and constitute a lien upon the Premises; the Town Board, at its option, may institute a special proceeding to collect the costs of demolition and removal, including associated legal expenses; and be it further

**RESOLVED**, that the Town Building Inspector/Code Enforcement Officer is hereby authorized to solicit bids for the demolition and removal of the “white house” from the Premises and, in the event that it is not demolished and removed within the said time period, award a contract to demolish and remove the “white house” from the Premises on or after July 26, 2018, in accordance with State competitive bidding laws; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

Councilwoman Yonchuk moved to adopt the preceding resolution, Councilman Diffendorf seconded.

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

92-18  
Adopt Ritter  
Demo Reso

MOTION CARRIED.

**APPROVAL OF MINUTES:**

April 3, 2018 Town Board Meeting

April 24, 2018 Special Town Board Meeting

**PUBLIC PARTICIPATION:**

Dave and Debbie Bunker from Cedarhurst Road addressed the Board with a concern and objection to a possible change in zoning, possibly spot zoning, to the property that is directly across from their house. Dave said they moved up there for peace and quiet and said he is not actually sure what spot zoning is, whether or not sewer, water or septic are there or have been put in there by the Town. Mr. Blaise said according to his associate the matter of the potential rezone had been turned over to the Planning Board by the Town Board. Marchie Diffendorf said it was tabled at the last Planning Board Meeting because they just found out about it that day. Mr. Blaise said the Planning Board should go ahead and consider it if they have all the materials they need. Marchie said the Planning Board’s concern was whether or not it was spot zoning. Mr. Blaise explained to the Bunkers that an example of spot zoning would be if there was a 50 acre area zoned R1 – single family homes, and someone has 10 acres in the middle and wants to rezone it Industrial and there’s no other Industrial zoning around. When someone wants to rezone, Mr. Blaise explained that the Town Board makes the decision, but before they do, they refer it to the Planning Board which does a site plan review and oversees the process. So this request has been turned over to the Planning Board for their recommendation. Mr. Blaise informed the Bunkers that they’ve made their objection known and they also might want to attend the Planning Board Meeting on Monday, May 14<sup>th</sup> at 7:00 PM.

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Lois Whittemore expressed a concern that the new electronic sign does a lot of flashing and said there is an Ordinance that says the illumination of any signs shall be non-flashing. As an example, she cited the notice for the open house for fire departments, stating there were flames, reds and yellows and it was hard to read. She noted that it might be easier to have it fade in and out and use colors that are easier to see. Councilman Grubham said someone would have to decide what flashing means, adding that it can't be pointed at a residence or by a traffic light. Lois also questioned what is on the signs, noting that currently there is information on the sign that Windsor is having a community day on May 19<sup>th</sup> at Klump Park. She said she has nothing against Windsor or Klump Park but questioned if this isn't just for Kirkwood residents. Councilman Weingartner said many Kirkwood residents go to Windsor schools. In response to Lois, Supervisor Kniffen said if Conklin had something to post we would certainly do the same for them and they would do it for us, questioning her as to why we wouldn't want to help them. She said it's not so much that, but the cost of the sign, that the taxpayers had to pay for it. Supervisor Kniffen said there was money in the budget to do that without raising taxes. He said he has some problems with the sign too, there are some things that he can't read, but we are going through a learning curve. He said we will be doing some fixes and asked that she be patient. Councilwoman Yonchuk agreed that at times it is hard to read and her preference is the fade in and out. She feels we need to revisit what goes on the sign because she remembers in our discussions that functions for the four school districts in Kirkwood should be included but she doesn't remember talking about putting up information from other towns. Supervisor Kniffen said he was talking about adjacent towns. Councilman Weingartner suggested the Board take time to consider this before revisiting it.

**COMMUNICATIONS:**

Resignation Letter from Thomas Tracy  
Letter from William McGowan

**COMMITTEE REPORTS:**

**Booster Pump Station.**

Councilman Grubham questioned John Mastronardi as to the status of the booster pump station. John explained that a vendor gave us the cost of two pumps that would fit at the station. He requested shop drawings so he could verify it, because instead of an inline booster the motor was not on the exterior of the pump so it could be removed and repaired, and that was the reason we were exploring these other pumps. John and Al took some measurements from the shop drawings and found out there would be too much modification to the existing building to get these pumps to fit so they dropped back to the drawing board. He said they had the pumps sized at 1,000 GPM which is quite large, and part of the reason why they wouldn't fit. He decided to work with the City of Binghamton and do a flow test on their system to see if we could go with a smaller pump, smaller horsepower and gallons per minute. He said he's found a 750 GPM pump and has sent that design out to get a price. John said we're back to an inline like we had in the past. It was noted that it will be less money. Councilman Grubham said we've spent quite a long time on this and questioned what the lead time would be. John said he will find that out.

**O'Dea Property.**

Mr. Blaise said at some point we need to let the O'Deas know whether we are going to accept the property or not.

**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, authorizing submission of an application for funding from New York State Homes and Community Renewal's Community Development Block Grant Program for a Public Infrastructure Project, in accordance with the attached resolution. Councilman Diffendorf seconded.

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

MOTION CARRIED.

93-18  
Auth  
Application  
for Grant  
Funding  
HH Water  
Tank

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**Discussion:** Councilwoman Yonchuk questioned if whenever our grant writers are going to apply for a grant if we have to approve them applying, since it will slow down the process. Supervisor Kniffen said that we do have to approve each time. He noted that with this particular grant it won't come due until June so they suggested we do this now.

Councilman Diffendorf moved to adopt resolution rejecting all Sealed Bids received for the purchase and installation of stair/ladder work at the Main Sewer Station and authorizing re-advertising for Sealed Bids, returnable to the Town Clerk's Office on May 29, 2018 at 3:00 PM, to be publically opened and read at the May 29, 2018 6:00 PM Work Session. Councilman Grubham seconded.

94-18  
Reject  
Stair/Ladder  
Bids - Sewer  
Re-Advertise

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution awarding Sealed Bid for the Air Handler at the Main Sewer Station to Evans Mechanical, being the lowest responsible bidder at \$23,000. Councilman Weingartner seconded.

95-18  
Award Bid  
Air Handler  
Sewer

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution awarding Sealed Bid for the purchase of a 2018 550 Series Super Duty DRW LX Truck, being the lowest responsible bidder at \$47,665. Councilwoman Yonchuk seconded.

96-18  
Award Bid  
550 Truck

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing the Supervisor to sign the Broome County Mutual Aid Plan, in accordance with the attached plan. Councilman Diffendorf seconded.

97-18  
Br County  
Mutual Aid  
Plan  
Authorized

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for John A. Finch, Jr., in accordance with the attached resolution. Councilman Grubham seconded.

98-18  
Standard Wk  
Day – Retire  
J. Finch

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

MOTION CARRIED.

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99-18  
Appoint C&G  
Tax  
Assessment  
Hearing

Councilman Grubham moved to adopt resolution authorizing the appointment of Coughlin & Gerhart, LLP as Attorneys for the Town of Kirkwood, to represent the Town in Tax Certiorari Proceedings, including petitions, motions, and appeals therefrom, filed by HoltonB, LLC, against the Town as work outside the scope of work contemplated by the Legal Services Retainer Agreement at an hourly rate of \$200.00, with payment requests to be submitted by voucher. Councilman Weingartner seconded.

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

MOTION CARRIED.

**NEW BUSINESS:**

**Road Cleanup.**

Councilman Grubham said he gets disturbed about the amount of garbage alongside our roads. Since there are people that do community service he was thinking maybe we could get a couple of those people and possibly a retired person to work a few hours a day a few days a week to pick up the garbage. He said he doesn't think it would cost that much, they would need a pickup truck (that we already have), vests, bags and someone to oversee it. He would like to know if there is any interest in this before he looks into it further.

Councilman Diffendorf said he thinks it is worth doing. Councilman Grubham said he hasn't looked into the cost but we would get some of the help for nothing because they have to do community service, explaining that those people who are required to do community service are told to do so by the court. Councilwoman Yonchuk questioned what the insurance liability might be. Mr. Blaise suggested that Pat Regan be contacted in this regard. It was noted that we already use these people through the court in the Department of Public Works. Councilman Weingartner said he will contact Pat Regan about the insurance. Supervisor Kniffen said this is a good idea and noted we still have a Beautification Committee and he will check with them about this. In regard to areas of concern, Councilman Grubham said no one ever cleans up Route 11 but there are other areas as well in the Town that could use cleaning.

Councilwoman Yonchuk added that Katie Legg has started a group of teenagers to do projects for elderly people or those with disabilities that need their yards cleaned up, windows washed and other outside work. She doesn't know if this would fit into that and also a lot of the schools have service learning projects and perhaps we could link into that. She would like the insurance issue addressed before she approaches Katie about it. Mr. Blaise said they are a private group and would not be going out on behalf of the Town so the Town wouldn't have anything to do with providing insurance coverage for that. Councilwoman Yonchuk will contact Katie about this. Supervisor Kniffen added that Katie does want them to get involved with the community and also to prepare themselves for being part of the community.

**Roof over covered bridge.**

Councilman Grubham reported that the covered bridge has holes in the roof and it's rotting in areas. He said we've found some roofing material that would look good and it's made out of metal with a kind of a shake look to it. He said the old roof will have to be removed. According to prices we've gotten, he said it looks like it will cost around \$10,000 and that the new roof will last way longer than the current one. Councilman Grubham will have quotes by the next meeting. John Finch added he is having our electrician put some low lighting in the bridge because people has expressed issues that it's dark in there.

**Salt/sand storage barn.**

Councilman Grubham reported that the salt and sand barn is collapsing on one side and needs to be repaired. He said John Mastronardi looked at it and for the concrete alone it would be over \$100,000 which doesn't include lifting the building up and putting it back down, so he thinks we need to come up with another idea.

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**May 1, 2018**

**Mobile food truck.**

Supervisor Kniffen reported that someone from Lure, on Upper Court Street, came to the Code Department wanting to have a mobile food truck on the property, to sell hotdogs or something similar. Jim Kavalesky explained that Chad is concerned that this may be opening a can of worms all over the town. He said there are no fees or inspections associated with it. Supervisor Kniffen said Chad isn't sure if it's covered by the Code. Marchie Diffendorf said in the past the Planning Board addressed a proposal from someone that wanted to put a food truck on vacant land and at that time it was determined by Mr. Kline that it couldn't be done, but it can be done at Schneider's because there's already an established business there and permission has been given. He noted this would be the case for Doug's Fish Fry and chicken bar-b-ques. Marchie added that the proposal was rejected. Mr. Blaise said he doesn't think there is anything in the Code that regulates these things. He said that he remembers this discussion and he thinks Mr. Kline's point was if there is already a business there it would be a secondary or ancillary use to an established business as opposed to an empty lot and the food truck would be the primary use on an empty lot and normally you can't do that unless it's approved in that zone. As an example Mr. Blaise said normally you can't put a garage as the primary use on a property, but only as a secondary use to a primary structure. He said it's not listed in the Code as one way or the other regarding whether they are permitted or not, and whether they should be regulated. It was noted that this doesn't fit under the peddlers and solicitors code, which regulates door to door sales. Supervisor Kniffen said so right now by following Mr. Kline's lead, since this is an established business, it looks like the food truck can come in. Mr. Blaise said from what he is hearing he doesn't see what the difference would be from the situation with Doug's. Councilman Grubham questioned if it matters if it would be a different use of the property from what is there already. Mr. Blaise said it would depend if it was a use that was prohibited on that particular property. It was noted that Broome County Department of Health would be involved with the inspection of a food truck, but the Town is not involved in that. Mr. Blaise said as it stands now the Board would have to look at it and decide if they want to regulate it. Marchie Diffendorf suggested that maybe the Comprehensive Plan Committee should take a look at this. Councilman Grubham questioned if it is a dissimilar business from what is already there, why they wouldn't have to go for site plan review. Supervisor Kniffen asked if the Board were to consider this, noting there are already existing situations, if they would be grandfathered in. Mr. Blaise said he doesn't think so because grandfathering would occur with the primary use of the property, and this is something secondary. Councilwoman Yonchuk added that it's also something temporary and often they are fund raisers and tied to our school districts and she sees a difference in that. Mr. Blaise said at this point it sounds like there is nothing on the books to prevent someone from doing this if they have permission from the property owner. Nick Cortese said in the Peddlers & Solicitors Local Law the definition of hawker or peddler is: any person, principal or agent who, in any public street or highway or public place, sells, barter or offers for sale any goods. He said so if you characterize a food truck as somebody selling something in a public place, which a private company would technically be a public place, but it's a matter of interpretation. He said it's possible that the peddler's license law could be applicable to situations like this. Mr. Blaise added that if we applied it to Lure it would have to be applied the same way to Schneider's.

**Road project funding. (GEK)**

Supervisor Kniffen explained that we have the loan for the \$1.8 million road project, minus the \$400,000 from Senator Akshar's office and we have already started on it.

**Code/Vacant Structures. (GEK)**

At his request, Supervisor Kniffen reported that Chad Moran, the Town's Code Enforcement Officer, provided him with a list of other places in Town that are in bad shape, in addition to the Ritter property. Included with the list are pictures of several of the places on Duell Road, Old State Road and Loughlin Road. He said in addition to cleaning up the roads we need to clean up the environment which we have been doing with Mr. Ritter and he thinks we should do it with these properties as well. The first step will be for Chad to find out who owns them. Jim Kavalesky added there are 28 properties and Councilman Grubham noted his understanding is that a demolition permit was applied for regarding 276 Main St.

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**May 1, 2018**

100-18  
Appoint  
D. Wasson  
Pl Bd

Councilwoman Yonchuk moved to adopt resolution appointing Daniel Wasson as Member to the Planning Board to fill the unexpired term of Thomas Tracy, for a term to expire December 31, 2018. Councilman Diffendorf seconded.

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

MOTION CARRIED.

**AUDIT AND PAYMENT OF CLAIMS:**

101-18  
Audit/Pay

Councilman Diffendorf 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 2, 2018, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Grubham seconded.

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

MOTION CARRIED.

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 7:19 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk