

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**February 5, 2019**

A regular meeting of the Kirkwood Town Board was held on 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: Oliver Blaise III, Attorney  
Gayle Diffendorf, Town Clerk  
John A. Finch Jr., Commissioner of Public Works

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

January 2, 2019 Organizational Town Board Meeting  
January 29, 2019 Special Town Board Meeting

**PUBLIC PARTICIPATION:**

Sid Baldwin of Nina Drive stated there are a number of residents in the area that use Grange Hall Park for exercise, walking their pets, etc. and he spoke to Mr. Finch about the track not being plowed this year. Mr. Finch said we did plow that last year but there is a sharp turn on one section where the ballfield fence ends and we can't make the turn with our plows. I tried it last year and got stuck and damaged the field by causing ruts. We will look at it when it dries out and possibly we can widen the turn with some crush run and maybe some paving.

**COMMUNICATIONS:**

Thank you letter from Councilwoman Yonchuk to Town Board regarding her recent retirement.

Thank you letter from Habitat for Humanity for generous gift on behalf of Councilwoman Yonchuk. Councilwoman Yonchuk added that in the letter they talk about all the places they build homes but one of their frustrations is eastern Broome County because people in the Windsor/Kirkwood area are not tapping into Habitat. It appears that people are not aware of the work they do.

**COMMITTEE REPORTS:**

**Ritter Property**

Mr. Blaise mentioned that he finally got to see the Ritter property since the work was done and it looks awesome.

**Comprehensive Plan**

Councilman Grubham reported that everything has been sent to the County in regard to the Comprehensive Plan. A response has been received from the County with not a lot of changes, and they offered some nice complements as well. There is still more work to do and it should be ready for the Board's perusal in about a month or two.

**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution ratifying a resolution authorizing the Supervisor to sign the Retainer Agreement Extension with Strategic Development Specialists, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

35-19  
Strategic Dev.  
Retainer Agree  
Extension –  
Grant Writing

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36-19  
5-Mile Point  
Fire Co Roster

Councilman Diffendorf moved to adopt resolution pursuant to Not-For-Profit Corporation Law Section 1402 (c)(3) approving the Membership Roster for Five Mile Point Fire Company, with the understanding that the members so approved will be assigned for which they have been qualified, in accordance with the attached roster. Councilman Grubham seconded.

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

MOTION CARRIED.

37-19  
Issue Mobile  
Home Park  
Licenses, Rt 11  
& Johnson Rd

Councilman Grubham moved to adopt resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue licenses for the following mobile home – trailer parks, such licenses are for the year 2019:

Moore Mobile Home Park, 376 Johnson Road, Kirkwood, NY 13795

Owner: Josh Hunt

Southern Tier Communities, LLC, 1794 US Route 11, Kirkwood, NY 13795

Owner: Robert and Mouna Hartley

Councilman Weingartner seconded.

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

MOTION CARRIED.

**Discussion:** In regard to the mobile home park on Route 11, Councilman Diffendorf said he’s surprised that it has not been cleaned up. Councilman Grubham said Chad is going to start pushing that. There are also four trailers that have to be removed. Chad will be giving them some deadlines for things to be cleaned up and/or removed.

**Discussion: Lechner’s – Upper Court St.**

Supervisor Kniffen said there have been code issues with this property that Chad and the legal department put a lot of work into, and now most of the vehicles have been removed. There is a new owner who owns from there all the way to Loughlin Road, with the exception of one property, and we are planning to meet with him to see if he will work with us to try to make the area more presentable.

38-19  
Purchase 2008  
Chevy  
Silverado

Councilman Weingartner moved to adopt resolution ratifying a resolution authorizing the purchase of a 2008 Chevy Silverado 1500 pickup truck and plow from Auctions International at a cost of \$10,340.00. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

39-19  
Griffiths Eng.  
Design Main  
Sewer Station  
Stair  
Replacement

Councilwoman Yonchuk moved to adopt resolution authorizing Griffiths Engineering to do the design work on the Main Sewer Station Stair Replacement at a cost not to exceed \$7,240.00. Councilman Diffendorf seconded.

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

MOTION CARRIED.

**Discussion- PESH.** In response to Supervisor Kniffen, Mr. Finch said PESH is coming this Friday to do the air sampling for when we weld to make sure we are in compliance.

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Councilman Diffendorf moved to adopt resolution authorizing the Highway Superintendent to enter into an agreement with the Town Board regarding Expenditure of Highway Moneys, in accordance with the attached agreement. Councilman Grubham seconded.

40-19  
Highway  
Money  
Expenditure  
Agreement

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 establishing the Standard Work Day for the Safety Officer, in accordance with the attached Standard Work Day Resolution for Employees. Councilman Weingartner seconded.

41-19  
Est. Standard  
Work Day –  
Safety Officer,  
For NYS  
Retirement

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 approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for William J. Diffendorf, in accordance with the attached resolution. Councilwoman Yonchuk seconded.

42-19  
Approve  
Standard Work  
Day/Reporting  
for W.  
Diffendorf,  
Retirement

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

MOTION CARRIED.

**NEW BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution authorizing Chad Moran to attend the International Code Council Training Webinars on February 12, 2019, February 21, 2019, September 17, 2019 and October 1, 2019 at a cost of \$196.00. Councilman Diffendorf seconded.

43-19  
C. Moran  
ICC Training

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 authorizing Chad Moran to attend the New York State Code In-Service Training on May 9, 2019 and October 10, 2019 at Binghamton University, at no cost for the training, with all reasonable expenses paid. Councilman Grubham seconded.

44-19  
C. Moran  
NYS Training

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

MOTION CARRIED.

**Discussion: Water and Sewer Department Agreement.**

Mr. Finch said I met with both employees from the Water & Sewer Department after the last Board Meeting and we came up with a resolution as to how we are going to handle the overtime and call-in. Basically they were doing two hours on Saturday, Sunday and any holiday and we reduced that to one hour and during that one hour they are going to be checking just the Water Treatment Plant and wells. We are not going to be checking the sewer stations since they are all on the SCADA System and they notify of any alarms.

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There are two sewer stations that are not currently on SCADA and we've budgeted to have one of them done this year. Our SCADA tech is going to give me a price on doing the other one at the same time since they are right down the road from each other. I'll let you know what the price is so we can decide whether or not to do it this year. When the employees come in for an emergency they'll get the same 2.5 hours that the other department gets under the union contract. If they can fix the SCADA alarms from home rather than come in to work they'll get paid .5 hours of overtime, but if they have to come in they'll get 2.5 hours. Both employees will be available for emergency responses. Town vehicles will remain at the Treatment Plant unless they are authorized by me to take them home. It will be up to them to decide who will be available each weekend and let me know on Friday before the weekend.

**Discussion: Food Policy.**

Mr. Finch said we got a Keurig machine for the two water and sewer employees since one drinks coffee and the other drinks hot chocolate.

Councilman Grubham moved to adopt resolution amending the Town of Kirkwood Sick Leave Donation Policy to include part time employees, in accordance with the attached policy. Councilman Weingartner seconded.

**Discussion:** Supervisor Kniffen explained that some time ago we adopted a Sick Leave Donation Policy for people that might be out on sick leave and have used up all their sick days and if there are people that have extra sick time they could donate it to the person in need of sick time. This will now include part-time employees. It was clarified that a part-time employee could donate time to a full-time employee and vice-versa. Councilwoman Yonchuk added the time is donated by hours, not days, since everyone does not work the same amount of hours each day.

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

**MOTION CARRIED.**

**Discussion:** Supervisor Kniffen said the current bereavement policy does not include aunts and uncles but it does include nephews and nieces so we think it's appropriate to add aunts and uncles. In regard to bereavement, the way it is now you get 3 bereavement days included in the 5 personal days so if you use 3 bereavement days you would only have 2 personal days left. We think it would be a good idea to separate them so you would still have your 5 personal days if you use your 3 bereavement days. Currently if you only had 2 personal days left the Town would give you another day so you would have 3 bereavement days. Councilwoman Yonchuk added that in the horrible situation where an employee might have 2 or even 3 deaths in the course of a year, if all their personal time was used up then the previous policy said any time there is a death you would get up to 3 days. If another employee hadn't used their personal time, they would have to use 3 of those days for bereavement. That's the way the previous policy was written and that's not right. Supervisor Kniffen added that right now you can accumulate up to 60 days of sick leave and we are suggesting that be increased to 90 days. Councilman Diffendorf said it's my understanding that was a cost saving measure and we wanted to keep it at a manageable number. Supervisor Kniffen said his recollection is if you accumulated all the sick days and retired you were paid for those days but we did away with that. Councilman Diffendorf noted a concern since many years ago an employee who was not sick took off six months in the last year. Mr. Finch said you can't do that anymore because you need a written medical excuse if you're off more than 3 days. Councilman Diffendorf said we want people to use what they need when they're sick but we don't want it to be abused. Councilwoman Yonchuk added that 60 days is 12 weeks and some catastrophic things and even a broken hip, arm, etc. can eat up more than 12 weeks so that's why we wanted to increase it to 90 days. Because of what our policy says, in regard to the retirement system, you would get credit for any days you haven't used of the 90 days when you retire.

45-19  
Amend Sick  
Leave Policy

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Councilman Weingartner moved to adopt resolution amending the Rules and Regulations Governing Attendance and Benefits for Town of Kirkwood Employees regarding and update to the definitions to include aunts and uncles, increasing the sick leave accumulation from 60 days to 90 days, and separating the Personal Leave days and Death in the Family days, in accordance with the attached Rules and Regulations.

46-19  
Amend  
Attendance &  
Benefits, Inc.  
Aunts/Uncles,  
Sick Leave,  
Bereavement

Councilwoman Yonchuk seconded.

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 Engagement Letter with Johnson, Lauder & Savidge, LLP, dated January 3, 2019, in accordance with the attached letter. Councilman Diffendorf seconded.

47-19  
Engagement  
Letter -  
Accounting

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:**

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 # 1964 through # 2112 in the total amount of \$ 658,953.48, which includes prepaid claims as authorized by resolution adopted January 2, 2019. Councilman Grubham seconded.

48/19  
Audit/Pay

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.  
Councilwoman Yonchuk seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 6:34 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk