

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

May 5, 2020

A regular meeting of the Kirkwood Town Board was held on May 5, 2020 at 6:35 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

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

Also Present: Robert McKertich, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman
James Smith, Budget Officer

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

March 3, 2020 Town Board Mtg and March 17, 2020 Special Town Board Mtg

PUBLIC PARTICIPATION: None.

COMMUNICATIONS:

After reading a resignation letter from Gayle Diffendorf, Supervisor Kniffen said Gayle, you are a very special person. I've never heard a person say one bad word about you. When the Town Hall is open and you greet us with a smile and hello, you're always cheerful. We will go a long way to get someone to replace you, although Kelley will be a great fill in for you. We would celebrate if we weren't quarantined and we wish you the best of luck. Thank you. Gayle responded saying that it's been such a great job and I've been very thankful. Most people don't enjoy going to work every day like I have, so I've been very fortunate. It's been nice working with everyone and thank you so much.

OLD BUSINESS:

Councilwoman Legg moved to adopt resolution determining that the County's proposed tower at 201 Kutalek Road is immune from local zoning regulations, in accordance with the attached resolution. Councilman Diffendorf seconded.

53-20
County Tower
Kutalek Rd
No Zoning
Regulations

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution ratifying a resolution approving a Fund Transfer of \$79,226.04 from the Water Reserves to the Water Equipment for the purchase of 325 Neptune Water Meters with software and system. Councilman Grubham seconded.

54-20
Ratify
Transfer funds
for Neptune
Water Meters

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution adopting the spending restrictions due to the COVID-19 crisis, in accordance with the attached restrictions. Councilman Weingartner seconded.

55-20
Spending
Restrictions
COVID-19

Roll Call Vote: Councilman Weingartner - yes
Councilman Grubham - yes
Councilman Diffendorf - yes

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Councilwoman Legg - yes
Supervisor Kniffen - yes

MOTION CARRIED.

56-20
Ratify MOA
Stormwater
Asset Mapping

Councilman Weingartner moved to adopt resolution ratifying a resolution authorizing the Supervisor to sign a Memorandum of Agreement with the Municipal Corporations Comprising the Broome-Tioga Stormwater Coalition for Stormwater Asset Mapping Implementation in Broome and Tioga Counties, in accordance with the attached Memorandum of Agreement. Councilwoman Legg seconded.

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

MOTION CARRIED.

57-20
Ratify
Intermunicipal
Agreement
Stormwater
Coalition

Councilwoman Legg moved to adopt resolution ratifying a resolution authorizing the Supervisor to sign the Intermunicipal Agreement to Continue the Broome-Tioga Stormwater Coalition for Federal Phase II MS4 Stormwater Regulation Implementation in Broome and Tioga Counties, in accordance with the attached Intermunicipal Agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

58-20
Ratify
MS4 Municipal
Compliance
Cert

Councilman Diffendorf moved to adopt resolution ratifying a resolution authorizing the Supervisor to sign the MS4 Municipal Compliance Certification (MCC) Form, in accordance with the attached form. Councilman Grubham seconded.

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

MOTION CARRIED.

59-20
M., Diffendorf
Retirement
Recertification
of Hours

Councilman Grubham moved to adopt resolution accepting the Recertification of the Record of Activities for Marchie Diffendorf, Member Planning Board, in accordance with the attached recertification. Councilman Weingartner seconded.

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

MOTION CARRIED.

60-20
Municipal
Clean Up

Councilman Weingartner moved to adopt resolution designating April 13, 2020 – May 21, 2020 for Municipal Clean Up in the Town of Kirkwood, in accordance with attached resolution. Councilwoman Legg seconded.

Discussion: Mr. Finch said this is our annual municipal cleanup that gives people a chance to dispose of mattresses, furniture, etc. We usually have it for four days but I extended it this year due to the fact that everyone is staying home and it gives them a chance to get some good cleaning done. We have quite a big pile so it's really helping in keeping trash from the sides of the roads. I might extend it next year as well.

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

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MOTION CARRIED.

Councilwoman Legg moved to adopt resolution Providing Direct COVID-19 Related Federal Aid to all Municipalities, in accordance with the attached resolution. Councilman Diffendorf seconded.

61-20
Provide
COVID-19
Provide Federal
Aid to all
Municipal.

Discussion: Supervisor Kniffen said this involves federal aid going to municipalities of over 500,000, and this resolution is to include municipalities like Kirkwood.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Suit-Kote to crack fill the Highland Heights 3 subdivision along with Barlow Road from Colesville Road to Loughlin at a cost not to exceed \$18,562.50, in accordance with the attached quote. Councilman Grubham seconded.

62-20
Crack fill
Highland
Heights 3 and
Barlow Rd

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution combining the May 26, 2020 Work Session and the June 2, 2020 Town Board Meeting into one night to be held June 2, 2020. Councilwoman Legg seconded.

63-20
Combine
5/26/20 and
6/2/20 Mtgs

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution combining the June 30, 2020 Work Session and the July 7, 2020 Town Board Meeting into one night to be held June 30, 2020. Councilman Weingartner seconded.

64-20
Combine
6/30/20 and
July 7 Mtgs

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution combining the July 28, 2020 Work Session and the August 4, 2020 Town Board Meeting into one night to be held August 4, 2020. Councilwoman Legg seconded.

65-20
Combine
7/28/20 and
8/4/20 Mtgs

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution combining the August 25, 2020 Work Session and the September 1, 2020 Town Board Meeting into one night to be held September 1, 2020. Councilman Diffendorf seconded.

66-20
Combine
8/25/20 and
9/1/20 Mtgs

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilman Diffendorf - yes

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Councilwoman Legg - yes
Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution cancelling the November 3, 2020 Town Board Meeting due to Election Day and rescheduling for Monday, November 2, 2020.

Councilman Grubham seconded.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution scheduling a Special Town Board Meeting for December 29, 2020, after the Work Session, for the purpose of auditing year end bills and any other business that may come before the Board. Councilman Weingartner seconded.

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

MOTION CARRIED.

With regret, Councilman Weingartner moved to adopt resolution accepting the resignation from Gayle M. Diffendorf as Town Clerk effective May 30, 2020 and appointing Kelley Diffendorf as Town Clerk, effective May 30, 2020 until December 31, 2020 to be paid \$41,015.00, prorated for the remainder of 2020 and as Registration of Vital Statistics effective May 30, 2020 until December 31, 2020 to be paid \$2,525.00, prorated for the remainder of 2020. Councilwoman Legg seconded.

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution appointing Gayle M. Diffendorf as Deputy Town Clerk until December 31, 2020 to be paid \$7656.00, prorated for the remainder of 2020. Councilman Diffendorf seconded.

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

MOTION CARRIED.

NEW BUSINESS:

Councilman Diffendorf moved to adopt resolution to approve a quote from Bob Murphy Inc. for \$8,185.00 to fabricate and deliver pump station stairs as an emergency procurement under General Municipal Law Section 103. Councilman Grubham seconded.

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

MOTION CARRIED.

67-20
Resched Nov
Mtg from
11/3/20 to
11/2/20

68-20
Sched Spec
Bd Mtg for
12/29/20

69-20
Resignation
G. Diffendorf,
TC
Appoint
K. Diffendorf,
TC

70-20
Appoint
G. Diffendorf
Dep. TC

71-20
Approve
fabrication –
sewer pump
station stairs

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Councilman Diffendorf moved to adopt resolution to approve a quote from JSI Inc. for \$21,500.00 to remove and install the pump station stairs as an emergency procurement under General Municipal Law Section 103. Councilman Grubham seconded.

72-20
Approve
Removal &
Installation of
sewer pump
station stairs

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

MOTION CARRIED.

Discussion: Supervisor Kniffen thanked Councilman Grubham for doing a good job on this. Mr. McKertich said a resolution will not be required for the additional materials to be purchased by the Town. That should be treated like any other invoice through the audit process.

Discussion – Mary Street Property Purchase.

Mr. Finch asked for an update on the property purchase from SEFCU. Mr. McKertich said we sent this to the title company to prepare a title report and that happened right as this COVID-19 pandemic broke. So they have been delayed on their ability to get back to us with that title work. The attorney in my office that is handling this has been working to speed them up. I think it is nearing completion so we can finalize the deed documents. I'm hoping that will happen within the next couple of weeks.

Discussion – ZBA Hearings.

Duane Travis said I want to get a feel from the Board on the ZBA cases that we have. He said Councilman Grubham expressed a concern and I talked with Chad, none of the applicants are chomping at the bit to have those variances approved. I'm wondering if we should hold them to June and see what opens up. Councilman Grubham said I questioned what the costs might be and I found out it would be nothing or very little so that's not a problem for us. If the applicants don't care I don't see why you'd want to go through all that. Maybe if things open up you could have the meeting at the Town Hall in June by following protocol. Mr. Travis said we will hold on the meeting until June unless something comes up and then we could have an emergency meeting. Supervisor Kniffen said I agree and maybe by May 15th we'll know more from the Governor what's going to happen with closings. Mr. McKertich said under State law you're required to hold a hearing within 60 days of an application. I would keep track of that 60-day period and as we're nearing it I would just get something in writing from the applicant consenting to an extension. Councilman Grubham questioned if the time frames wouldn't be suspended because we under emergency orders. Mr. McKertich said the Governor didn't suspend that portion of it because we're allowed to have remote public hearings so instead he put in place this process rather than suspending the time standards. Those can easily be extended and even if we blow that time frame it just means they can go to court and order us to hold a public hearing, but it doesn't automatically approve a variance or special permit.

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 # 20-00359 through # 20-00491 in the total amount of \$335,798.36, which includes prepaid claims as authorized by resolution adopted January 7, 2020. Councilman Grubham seconded.

73-20
Audit/Pay
May Audit

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

MOTION CARRIED.

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Councilman Grubham moved to adopt resolution authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts (Fire, Water and Sewer Districts), Professional Services, Capital Projects and Reserve Funds claims # 20-00492 through # 20-00580 in the total amount of \$783,135.13, which includes prepaid claims as authorized by resolution adopted January 7, 2020. Councilman Weingartner seconded.

74-20
Audit/Pay
June Audit

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

MOTION CARRIED.

Discussion: First Virtual Meeting.

Councilwoman Legg said because this is our first virtual meeting she took a screen shot of everyone in attendance for our records. It should be noted that Supervisor Kniffen called in, so he is not included.

ADJOURNMENT:

Councilman Weingartner moved to adopt resolution to adjourn the meeting. The last meeting for Town Clerk, Gayle Diffendorf. Councilwoman Legg seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 7:01 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk