

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**June 2, 2020**

A regular meeting of the Kirkwood Town Board was held on at 6:32 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  
Kelley Diffendorf, Town Clerk  
John A. Finch Jr., Commissioner of Public Works  
Marchie Diffendorf, Planning Bd. Chairman  
Duane Travis, ZBA Chairman (via Zoom)  
Gayle Diffendorf, Deputy Town Clerk

**PLEDGE OF ALLEGIANCE:** Done prior to Work Session

**APPROVAL OF MINUTES:** May 5, 2020 Town Board Meeting

**PUBLIC PARTICIPATION:** None.

**COMMUNICATIONS:** Letter from Kelley Diffendorf regarding resignation as Deputy Town Clerk. Supervisor Kniffen welcomed Kelley as the new Town Clerk by saying we are happy to have you and I know you'll do a good job.

**COMMITTEE REPORTS:**

**Planning Board**

Marchie Diffendorf said we have 3 Site Plan Reviews for the Planning Board Monday. We are going to use Zoom thanks to Katie and Kelley operating the system for us. That will be our first one since the virus. It's going to be very similar to this, the board members have an option of showing up or they can use Zoom from home.

**Water Line Update**

John Finch gave an update on the water line on Colesville Rd that we need to have a resolution on approving us to do that work for this meeting. We had a water break on Colesville Rd and we received a price of not to exceed \$13, 500 for an emergency contract. The contractors started work yesterday and completed it yesterday. They were able to pull two services through, they did the first one that had the leak in it and there was another one that was 20 inches away so they pulled that one through also. It got done sometime around 8 PM or so last night. So it was a long day for them but they were able to get it all completed. We will be getting a revised bill based on doing it in a day and a half or how they figure it out. There was a 1/8 inch hole in the line and at 24 hours a day seven days a week, that's a lot of water.

John said it was John Contro who did the job and Bob Hamm assisted him with the digging. Councilman Grubham asked if our guys ran the pipe across. John said our guys were there helping him pull it. They put the curb box together and tied it into the main. John Contro used his excavator with Chinese fingers and pulled the plastic through by attaching it to the copper and ran the wire through the inside of it. It went fairly well. The price is expected to be much less.

**Dog Control Report**

Councilwoman Legg said there's not much on the report, other than some lost dogs, one complaint, a rescue, dogs to the shelter, which I'm thinking is the rescue dog and a dog bite. It looks like it's the person's dog that bit him because it says self and some ongoing investigations.

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**June 2, 2020**

**OLD BUSINESS:**

74-20  
Adopt  
Sluice Pipe  
Installation  
Policy

Councilwoman Legg moved to adopt resolution adopting the Town of Kirkwood Sluice Pipe Installation Policy and Application for Sluice Pipe Installation, in accordance with the policy and application. Councilman Diffendorf seconded.

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

MOTION CARRIED.

75-20  
Hire  
A. Haskell  
W&S Laborer

Councilman Diffendorf moved to adopt resolution ratifying a resolution hiring Austin Haskell as Laborer to work in the Water & Sewer Department effective May 18, 2020 for 90 days at a rate of pay of \$ 12.82 per hour. Councilman Grubham seconded.

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

MOTION CARRIED.

76-20  
Advertise  
Hwy Garage  
Drainage Bids

Councilman Grubham moved to adopt resolution authorizing advertising for Sealed Bids for the Highway Garage Drainage Improvements, with bids returnable to the Town Clerk's Office on Wednesday, June 17, 2020 at 12:00 PM to be opened and read aloud on or around 12:05 PM that same day. Councilman Weingartner seconded.

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

MOTION CARRIED.

**Discussion.** John Finch said we need two board members to be present for the bid opening. Supervisor Kniffen said he would come and Councilwoman Legg will check her calendar.

**Salt Barn Grant.**

Supervisor Kniffen asked Councilman Grubham about the status of the salt barn grant. Councilman Grubham said we probably won't see that this year. We are working on the paperwork right now which is a nightmare and John Mastronardi is helping because there is engineering information we have to get. We can get it all together reasonably soon, but the problem is I'm kind of worried about contractors, particularly the concrete contractors, because they are way behind. I've talked to a couple of them and one of them told me for sure there is no way he could do it this year. I'm not saying we're not going to get it done, I'm just saying it's going to be really tight.

Supervisor Kniffen mentioned that DEC is involved and that takes a lot of work. Councilman Grubham said as it turns out you cannot do a single thing until they tell you to go ahead and do it. We need to do some borings up there to check the soil, but we can't do it. They won't let us do anything without all the i's being dotted and t's crossed. I have talked to them so I know that's true. We'll do our best. Supervisor Kniffen said we appreciate what you're doing.

77-20  
Authorize  
DCO use  
DCO Monthly  
Report

Councilman Weingartner moved to adopt resolution authorizing the Dog Control Officer to use the Dog Control Officer Monthly Report, in accordance with the attached report. Councilwoman Legg seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**June 2, 2020**

Councilwoman Legg moved to adopt resolution accepting the Recertification of the Record of Activities for William J. Diffendorf, Jr., Safety Officer, for the year 2020, in accordance with the attached recertification. Councilman Grubham seconded.

78-20  
Recertify  
Retirement Hrs  
W. Diffendorf  
Safety Officer

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

MOTION CARRIED.

**NEW BUSINESS:**

Councilman Diffendorf moved to adopt resolution scheduling a Public Hearing to adopt Local Law No. 2 of the year 2020 amending Local Law No. 10 of the year 1995, entitled "A Local Law providing for Reimbursement of Professional Consultation Fees" on June 30, 2020 at 6 PM. Councilman Grubham seconded.

79-20  
Sched PH  
Amend Prof  
Consultation  
Fees LL

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution approving emergency repair of the water leak on Colesville Rd in an amount not to exceed \$13,500 to be performed by John Contro Plumbing and Bob Hamm. Councilman Weingartner seconded.

80-20  
Approve  
Emergency  
Repair  
Colesville Rd  
Water Leak

**Discussion.** John Finch responded to Councilman Grubham that this is a lump sum price for the both of them.

Roll Call Vote:        Councilman Weingartner     - yes  
                             Councilman Grubham             - yes  
                             Councilwoman Legg             - yes  
                             Councilman Diffendorf         - no  
                             Supervisor Kniffen             - yes

MOTION CARRIED.

**AUDIT AND PAYMENT OF CLAIMS:**

Councilman Weingartner 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 # 20-581 through # 20-690 in the total amount of \$171,944.96, which includes prepaid claims as authorized by resolution adopted January 7, 2020. Councilwoman Legg seconded.

81-20  
Audit/Pay

**Discussion.** Councilman Diffendorf asked John Finch about a voucher for \$1,123 for Action Fire, with one item \$727 and the other \$396, questioning what actually were they. John said they come in and inspect all the fire extinguishers and all the trucks and the buildings. The one for \$727 was for the Highway, Post Office and all the trucks. The other one was for the Water & Sewer Department. Councilman Diffendorf said I know they come in and inspect the stuff but it read on the bill as if you bought an extinguisher for \$727. John said I will discuss it with them to be more detailed. Councilman Diffendorf said it should have said something about inspections on the voucher. I had to ask because we had talked about giving you a loner extinguisher.

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

MOTION CARRIED.

**Water Heater Issue.**

**Discussion.** Councilman Diffendorf said to John Finch we talked about this water heater but I did not see the bill in there for it for Steve Smith. John said it probably happened

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**June 2, 2020**

after the vouchers were due and it will be in the next audit. Councilman Diffendorf said I think the whole Board should talk about that and asked John to explain the situation.

John Finch explained that the Water Department was flushing hydrants about two weeks ago at night, they do it at night so people don't get discolored laundry and out of convenience you can flush them a lot harder then. So they were up on Colesville Rd flushing the hydrants. At about 1:00 AM Al Glover went to turn on the hydrant at Gary's U-Pull It, which is right across from Steve Smith's house on Colesville Rd, and when he did that Steve's water heater blew out at the same exact time the hydrant was cracked. The only reason we know this is because Steve has cameras on the outside of his house and one in his basement pointed at his furnace. The camera shows the time and the date stamp and it showed his water heater started leaking exactly at whatever time Al touched that hydrant and turned that valve. The bottom blew out and it flooded his basement, he had two or three inches in his basement. He called me the next morning and told me he couldn't come in to work because his water heater blew out and it happened right when the hydrant was opened up. We didn't know what caused it. I think we have it narrowed down to possibly an air pocket that was somehow in the line or the pressure up there is regulated, that's the only area in the town that has the pressure regulated on it, which is Colesville Rd, Industrial Park, Corporate Drive and Link Drive. It's all controlled through the booster station at the Stratmill booster tank. We are thinking that malfunctioned at the time because what happens is when it was designed, Ron Lake had a bypass that is an 8 inch line that goes through there normally to feed those businesses and homes, but we bypassed it with a 2 inch line with a pressure reducing valve to handle normal flow. It will handle most of the flow through there but when you open your hydrants you're calling for so much water it starts opening up that larger pressure reducing valve and we are thinking it didn't open or it opened or it slammed shut, it caused something to send a shock through the system. Steve is the highest point of that system on that side. He had air in his lines and I told him to open up all his faucets. All his faucets were plugged with debris and sediment. He had no pressure until he cleaned out all of his faucets. So he finally did get the air out of his system. He took the day off of work and cleaned his whole basement, he didn't ask for compensation for time, he didn't have someone come in and do it. He bought a new water heater and installed it himself. I also told him to get a pressure reducing valve because he had one on his line and that didn't hold the pressure or the air, whichever happened. So he bought the hot water heater, pressure reducing valve, and a gauge that had broken as well. I told him we would reimburse him because we don't know if it would have happened or it's a coincidence. But I don't think it's a coincidence and I think if the Town did something to cause damage it's negligence on our side, whether it was or not it was the right thing to do. Steve didn't ask for payment, I told him we would reimburse him. I would have done it for any other resident if they came with the same proof that he had. He didn't try to go after any other money for taking off work or cleaning the basement all he wanted was the stuff he had to buy.

Councilman Weingartner asked what our deductible is for our insurance for something like that. John said we did reach out to Pat Regan and he said typically the deductible is more than what the cost is for something like this. He said usually the Town will reimburse the residents instead of going through the whole process and possibly raising your insurance rates. John replied to Supervisor Kniffen that the cost was around \$700 and \$800. John said my Deputy verified that this happened at the same exact time. It didn't blow anything out of his faucets, because nothing was on at the time, although it did plug all his faucets. John referenced another leak that surfaced in the area after this happened and explained the circumstances about that. Councilman Diffendorf shared thoughts and concerns about that issue as well.

Councilman Diffendorf said I don't think we should pay for a water heater that you said is five or six year old since a lot of water heaters are guaranteed for five years so I think it was already at its life expectancy. We've never paid for anyone else's water heater in this Town. Why didn't this happen to anyone else? John responded to Councilman Diffendorf that if there was evidence of what happened with a time stamp, he probably wouldn't have believed them.

Supervisor Kniffen said to Councilman Diffendorf, when we get into these discussions I always admire and respect your ideas and thoughts, but in situations like this, if it was me,

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**June 2, 2020**

I would go to the Town first thing and say maybe it's your fault, wouldn't you? Councilman Diffendorf said maybe I would but maybe not. A Town resident talked to me many times about his wife getting caustic burns from the Town's water and they got nothing.

Councilman Weingartner said there is irrefutable proof, and without the cameras I don't think Steve would have a leg to stand on. Everyone seemed surprised that there would be a camera in that area of his house, with John noting that it helped him this time.

**OTHER:**

**Light Pole Damage.**

Referencing that a second street pole was damaged on the ramp from Route 11 near Mirabito, Marchie Diffendorf questioned what happened to it. John Finch said we don't who hit it, we just found a piece of a Toyota mirror. Joe Rosati will be fixing it since it's a Town owned pole.

**COVID-19 Phase 3.**

Supervisor Kniffen questioned when Phase 3 would take place and if it would affect these meetings. Mr. McKertich said it's based on various factors being met and will most likely be two to three weeks from now. The Governor extended these meetings through June 28<sup>th</sup> so we know we have to do it through then. For the public hearing scheduled for June 30<sup>th</sup>, we'll have to advertise it with the Zoom information and take it from there. Since it's a public hearing and someone is attending via Zoom, they would have to make a comment through their Zoom connection.

**Park Benches.**

Councilman Diffendorf said that the benches should be put back in the park, as well as a few tables, and Councilman Grubham added that garbage cans should be there since people are walking and have small family gatherings. People are going to be there unless you lock the gates and I don't see many people with masks on. Councilman Diffendorf said everyone knows they have to stay six feet apart. John added that all the park facilities are closed, except for the tennis courts. Pavilions are actually closed. Supervisor Kniffen said if all the parks are supposed to be closed, what does that actually mean?

Councilwoman Legg said I was at Dorchester Park, which is a County park, this past weekend for a small wedding. The pavilion was booked but they cancelled it and the next day the pavilion was taped off and the picnic tables were gone. People were on blankets, walking and fishing. If the park is open so that you can go in, people will go in.

Councilman Weingartner said Cole Park is on the way to opening because my son is a lifeguard there. They will have every swimming area open to have more space.

John noted a concern that if we put one or two picnic tables in the pavilions people are going to be calling for reservations. Councilmen Diffendorf and Grubham said there are people walking and they may need to sit down and there are kids playing ball on the fields. Councilwoman Legg added that the garbage cans are needed since people are walking their dogs and are following the pooper-scooper rule.

It was agreed that two picnic tables would be put under each pavilion and after discussion a handicapped port-a-john will be put back in Veterans River Park, as well as additional garbage cans.

**ADJOURNMENT:**

Councilman Weingartner moved to adopt resolution to adjourn this meeting. Councilman Diffendorf seconded. All vote in favor.

**MOTION CARRIED.**

Meeting adjourned at 7:09 PM.

Respectfully Submitted,

Kelley M. Diffendorf  
Town Clerk