

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

February 2, 2010

A regular meeting of the Kirkwood Town Board was held on February 2, 2010 at 6:00 PM at the Joseph A. Griffin Town Hall with Deputy Supervisor Linda Yonchuk presiding.

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

Absent: Supervisor Gordon Kniffen

Also Present: Herbert Kline, Town Attorney
Gayle Diffendorf, Town Clerk
Richard Jones, DPW Commissioner

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

January 5, 2010 Organizational Town Board Meeting
(3) January 26, 2010 Public Hearings

PUBLIC PARTICIPATION:

Marchie Diffendorf explained that the Town of Kirkwood celebrated its 150th Anniversary last year at the town fair and a beautiful chainsaw sculpture was donated by Glen Roloson which has been sitting in the town garage now for six months. He said he is embarrassed that it is not on display and inquired as to the plans for the sculpture. Deputy Supervisor Yonchuk said that it is her understanding that it is to be placed in the gazebo area across from the Town Hall. Mr. Jones said that the concrete pad has been made, cracks in it will be repaired by Mr. Roloson on Saturday, a coat of varnish will be added and it will then be put outside. He also noted that he has had no luck with NYSEG in putting up the town banner.

COMMUNICATIONS:

Resignation letter from Alfred Gorick, Jr.

COMMITTEE REPORTS:

As an update, Councilman Weingartner explained that the FEMA buyout lease packet he sent to SEMO has been okayed by them and it has now been forwarded to FEMA who he is waiting to hear from. He added that he does not expect there to be any problems.

OLD BUSINESS:

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting the SEQR Negative Declaration Notice of Determination of Non-Significance regarding Local Law No. 4-2010 entitled "A Local Law Amending A Local Law Providing for Stormwater Management and Erosion and Sediment Control", in accordance with the attached SEQR Determination. Councilman Grubham seconded.

36-10
SEQR
LL 4-2010
Stormwater
Managemen

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting Local Law No. 4-2010 entitled "A Local Law Amending a Local Law Providing for Stormwater Management and Erosion and Sediment Control", in accordance with the attached resolution. Councilman Weingartner seconded.

37-10
Adopt
LL 4-2010
Stormwater
Managemen

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

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February 2, 2010

MOTION CARRIED.

38-10
SEQR
LL 5-2010
Fire/Bldg
Code

Councilman Weingartner moved to adopt resolution, after a Public Hearing, adopting the SEQR Determination that Proposed Activity Does Not Require Environmental Review regarding Local Law No. 5-2010 entitled "A Local Law Amending a Local Law Entitled 'A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code'", in accordance with the attached SEQR Determination. Councilman Diffendorf seconded.

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

MOTION CARRIED.

39-10
Adopt
LL 5-2010
Fire/Bldg
Code

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 5-2010 entitled "A Local Law Amending a Local Law Entitled 'A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code'", in accordance with the attached resolution. Councilman Grubham seconded.

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

MOTION CARRIED.

40-10
Sched PH
Zoning Chg
Upper Ct St

Councilman Grubham moved to adopt resolution scheduling a Public Hearing for February 23, 2010 at 6:00 PM regarding the request for change in zoning for property located at 665 Upper Court Street from Business-2 to Business-3. Councilman Weingartner seconded.

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

MOTION CARRIED.

41-10
Sched PH
B-2 Zoning
Change

Councilman Weingartner moved to adopt resolution scheduling a Public Hearing for February 23, 2010 at 6:05 PM regarding amending the permitted uses in a Business-2 District. Councilman Diffendorf seconded.

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

MOTION CARRIED.

42-10
Purchase
Truck

Councilman Diffendorf moved to adopt resolution authorizing Department of Public Works to purchase a new Chevy Pickup Truck on state bid for approximately \$22,000. Councilman Grubham seconded.

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

MOTION CARRIED.

43-10
Bank
Depository

Councilman Grubham moved to adopt resolution naming M & T Bank as the depository for town funds for the Supervisor for 2010. Councilman Weingartner seconded.

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

MOTION CARRIED.

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February 2, 2010

Councilman Weingartner moved to adopt resolution appointing Leonard Basso as Temporary Ad Hoc Member to the Zoning Board of Appeals, pursuant to Local Law 11-1986; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. Councilman Diffendorf seconded.

Roll Call Vote:	Councilman Weingartner	- yes	44-10
	Councilman Grubham	- yes	Appoint
	Councilman Diffendorf	- yes	L Basso
	Deputy Supervisor Yonchuk	- yes	ZBA Ad Hoc

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution, pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the membership roster for the Kirkwood 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	45-10
	Councilman Grubham	- yes	Fire Co
	Councilman Diffendorf	- yes	Membership
	Deputy Supervisor Yonchuk	- yes	Roster

MOTION CARRIED.

Councilman Grubham moved to adopt resolution, on recommendation and approval of the Ordinance Enforcement Officer, pursuant to section 304.3 of the Mobile Home-Trailer Ordinance, authorizing the Town Clerk to issue renewal license of the following mobile home-trailer parks, such license to be effective upon the expiration of the previous permit and to continue in force for period of one year:

46-10
Issue Trailer
Park Licenses

Kirkwood Mobile Home Court, LLC, 41 Loughlin Road, Bing, NY 13904

Owner: Robert Morgan, etal

Southern Tier Communities, LLC Owner: Robert and Mouna Hartley

Councilman Weingartner seconded.

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution reappointing Jason Griffin and Andrew Harpell as Temporary Ad Hoc Members to the Zoning Board of Appeals, pursuant to Local Law 11-1986; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. Councilman Diffendorf seconded.

47-10
Reappoint
ZBA Ad Hoc

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution reappointing Sandra Fox, Thomas Tracy, and Walter (Gordie) Woolbaugh as Ad Hoc Member to the Planning Board, pursuant to Local Law No. 1-2001; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. Councilman Grubham seconded.

48-10
Reappoint
Pl Bd Ad H

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

MOTION CARRIED.

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AUDIT AND PAYMENT OF CLAIMS:

49-10
Audit/Pay

Councilman Grubham 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 5, 2010, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Weingartner seconded.

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

MOTION CARRIED.

ADJOURNMENT:

50-10
Adjourn

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

MOTION CARRIED.

Meeting adjourned 6:14 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk