

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**March 2, 2010**

A regular meeting of the Kirkwood Town Board was held on March 2, 2010 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, Deputy Town Attorney  
Gayle Diffendorf, Town Clerk  
Raymond Coolbaugh, DPW Deputy Commissioner

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

February 2, 2010 Town Board Meeting  
(2) February 23, 2010 Public Hearings

**PUBLIC PARTICIPATION:**

It was noted that there has been no announcement to date as to the status of the post office. In regard to a concern about the parking situation currently at the post office, Councilwoman Yonchuk questioned who maintains Crescent Drive and who's authority it is to allow on-street parking there on the opposite side of the post office building. She added that it is posted for "Post Office Parking" and her car was parked there recently and damaged by someone backing out. It was noted that there are only three parking spaces, including a handicapped space, and according to the code due to the square footage of the building Ken Newberry said that there should be at least six parking spaces. Councilman Diffendorf added that he was against this parking situation back when the property was sold for the police barracks and the problem will not be solved until the post office is no longer located there. Ray Coolbaugh said that there are a lot of accidents there and he was asked to look into the situation.

Ken Newberry explained that there is a new state law that went into effect on February 22, 2010 requiring that carbon monoxide detectors be installed in all residential establishments. He said that he has been in touch with all the apartment complex owners informing them of this requirement. Bob Kiberd said that possibly this should be put in the paper because the only time he will be able to enforce this is with the construction of new buildings. Roy Tondeur said that it is not against the law not to have a detector installed (unlike a smoke detector), but if a landlord does not put a carbon monoxide detector in and a tenant gets sick or dies, the landlord will be held financially responsible.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

Councilman Weingartner presented dog control reports for January and February.

Councilman Weingartner explained that a benefit will be held for a young Kirkwood boy, Shae Richardson, son of Kelly Beagell, who is suffering from Dystonia, a neurological disorder which requires that he undergo a deep brain operation in Florida within the next month; this involves numerous trips to Florida as well. The benefit will be held Sunday, March 14<sup>th</sup> from 2:00 PM to 6:00 PM at the West Windsor Fire Department with food, raffles, games and a band.

**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the SEQR Negative Declaration Notice of Determination of Non-Significance regarding Local Law No.6-2010 entitled "A Local Law Amending the Town of Kirkwood Zoning Local Law" (Balogh rezoning), in accordance to the attached SEQR Determination. Councilman Diffendorf seconded.

51-10  
SEQR  
LL 6-2010  
Amend  
Zoning LL  
(Balogh  
Rezoning)

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**March 2, 2010**

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

**MOTION CARRIED.**

52-10  
Adopt  
LL 6-2010  
Amend  
Zoning LL  
(Balogh  
Rezoning)

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 6-2010 entitled “A Local Law Amending the Town of Kirkwood Local Law” (Balogh rezoning), in accordance with the attached resolution. Councilman Grubham seconded.

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

**MOTION CARRIED.**

53-10  
SEQR  
LL 7-2010  
Amend  
Zoning LL  
(Schedules)

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting the SEQR Negative Declaration Notice of Determination of Non-Significance regarding Local Law No. 7-2010 entitled “A Local Law Amending the Town of Kirkwood Zoning Local Law” (amending various Schedules of Regulations), in accordance with the attached SEQR Determination. Councilman Weingartner seconded.

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

**MOTION CARRIED.**

54-10  
Adopt  
LL 7-2010  
Amend  
Zoning LL  
(Schedules)

Councilman Weingartner moved to adopt resolution, after a Public Hearing, adopting Local Law No. 7-2010 entitled “A Local Law Amending the Town of Kirkwood Zoning Local Law” (amending various Schedules of Regulations), in accordance with the attached resolution. Councilwoman Yonchuk seconded.

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

**MOTION CARRIED.**

55-10  
SEQR  
LL 8-2010  
Amend  
Zoning LL  
(Eliminate  
Oil Separate)

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the SEQR Negative Declaration Notice of Determination of Non-Significance regarding Local Law No. 8-2010 entitled “A Local Law Amending the Town of Kirkwood Zoning Local Law” (elimination of oil water separators), in accordance with the attached SEQR Determination. Councilman Diffendorf seconded.

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

**MOTION CARRIED.**

56-10  
Adopt  
LL 8-2010  
Amend  
Zoning LL  
(Eliminate  
Oil Separate)

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 8-2010 entitled “A Local Law Amending the Town of Kirkwood Zoning Local Law” (elimination of oil water separators), in accordance with the attached resolution. Councilman Grubham seconded.

Roll Call Vote:      Councilman Weingartner      - yes  
                                 Councilman Grubham              - yes  
                                 Councilwoman Yonchuk          - yes

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**March 2, 2010**

Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Grubham moved to adopt resolution scheduling a Public Hearing for March 30, 2010 at 6:00 PM regarding the amendments to the Water Meter Local Law.

57-10  
Sched PH  
Amend  
Water Meter  
LL

Councilman Weingartner seconded.

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 authorizing Supervisor to enter into an agreement with Coughlin & Gerhart, LLP to provide legal services, in accordance with the attached agreement. Councilwoman Yonchuk seconded.

58-10  
Agreement  
Coughlin &  
Gerhart  
(Union Neg.)

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 Richard Jones to attend Stormwater Schooling, to be held March 24-25, 2010 in Buffalo, NY at cost of \$75.00 for the conference and tradeshow and \$99.00 for the hotel, with all reasonable expenses paid. Councilman Diffendorf seconded.

59-10  
R. Jones  
Education

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 advertising the sale of Truck 39, a 1997 Autocar Dump Truck with 92,010 miles, at an upset price of \$20,000, which includes a plow, sander and wing. Councilman Grubham seconded.

60-10  
Sale of  
Dump Truck

Discussion: In response to Councilman Grubham, Ray Coolbaugh said that if an offer comes in a lot less than \$20,000 then the truck will be held for the Broome County auction.

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

MOTION CARRIED.

**Water Meter Discussion:**

Responding to Councilman Diffendorf's question regarding testing meters located in a pit, John Finch Jr. said that most of them have a by-pass so water could still be provided to the buildings, but if they needed to remove a meter it would only be temporary; the meter would be put back in the same spot. He noted that testing takes approximately 1 to 2 hours.

Responding to Councilman Grubham regarding whether NYSDOT was paying for the water lost due to a water break near their building, John said it is his understanding through Dick Jones that the Town will be pro-rating their next bill based on what amount was used. He said that Dick is handling this so he is not sure of the resolution. It was clarified that the leak occurred after it went through DOT's meter. Questions were raised

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**March 2, 2010**

as to how this will affect sewer costs. John added that another leak had been located last year servicing the Highland Heights area and since these leaks have been taken care of there is a huge drop in the amount of water used; the wells are shutting down 2 hours earlier at night. Also, Councilman Grubham stated that public permit usage should be metered as well. After additional comments it was decided that a more detailed discussion will be held with Mr. Jones at the next meeting.

**NEW BUSINESS:**

Councilman Grubham moved to adopt resolution authorizing Supervisor to enter into an agreement with Edmunds & Associates for Application Software & Services at a cost of \$10,430, in accordance with the attached agreement. Councilman Weingartner seconded. Discussion: This is for the new accounting software that was originally going to cost about \$30,000. Supervisor Kniffen noted that a grant of \$10,000 will be coming from the state and some things have been dropped. Councilman Grubham added that the current system became obsolete with the company not backing it up anymore. Supervisor Kniffen also noted that currently there is no backup for payroll so they are getting a price to outsource payroll for the Board's consideration.

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 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, 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. Councilwoman Yonchuk seconded.

Discussion: It was noted that the voucher originally submitted for payment by Mark Lake was pulled from the audit. Information as to a better description of what was done, why it was done and who authorized it is being requested. Ray Coolbaugh explained that this work is being done as a result of flood damage to the DPW office last year. At this point the work has not been completed. Additional questions and concerns were raised so this will be discussed with Mr. Jones upon his return from vacation.

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 6:37 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk

1-10  
greement  
dmunds  
ccounting  
oftware

62-10  
Audit/Pay

63-10  
Adjourn