

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 1, 2010

A regular meeting of the Kirkwood Town Board was held on June 1, 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.

Absent: Councilwoman Linda Yonchuk

Also Present: Oliver Blaise III, Deputy Town Attorney
Gayle Diffendorf, Town Clerk
Richard Jones, DPW Commissioner

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

May 4, 2010 Town Board Meeting
May 25, 2010 Public Hearing

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Supervisor Kniffen announced the death of Kirkwood resident, Paul Shaw, who has contributed a lot to the Town. Paul was very active in the Democratic Club, serving as President for over 30 years. He served as a Zoning Board of Appeals member as well as Chairman during which time he was a very involved member. Paul was a family man and Supervisor Kniffen wanted to convey hope and best wishes to his wife, Elke, and the family. He read a resolution honoring Paul adopted by the Town Board on March 3, 2009 (Paul Shaw Day), a meeting which Paul attended.

Councilman Diffendorf reported that he and Supervisor Kniffen met with Dick D'Attilio of IDA about the \$100,000 Millennium Pipeline money. According to Mr. D'Attilio, the money came about as a late agreement regarding pipeline negotiations, spearheaded by Sullivan County. Although Mr. D'Attilio thought the money should go to the towns the IDA Board disagreed. He will go back to the Board with Kirkwood's concern and try to get support to change this. If Mr. D'Attilio does not have any success, Councilman Diffendorf and Supervisor Kniffen will meet with the IDA Board in July to try to persuade them. Councilman Diffendorf said that this money belongs to the host communities and noted that Kirkwood has the widest length of the pipeline so there is a real interest in this.

Councilman Grubham reported that the Summer Fun Program is growing with over 50 kids signed up this year. He said that although this is a joint program with Conklin most of the kids are from Kirkwood and he is not sure if one extra person will need to be hired or if that has been taken care of in the agreement. Language will be added to the resolution to include an additional person if needed.

Councilman Weingartner presented the dog control report for May.

In regard to the plan to lease the FEMA buyout properties, Councilman Weingartner said that SEMO signed off on the request in February but he has yet to hear from FEMA.

Broome County Legislator Marchie Diffendorf said that he checked on Broome County GIS mapping as to whether Broome County owned a piece of property on Geiger Lane and he found two parcels owned by the Town of Kirkwood, but none by Broome County. Councilman Weingartner will look into this.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 1, 2010

Supervisor Kniffen reported in regard to redirecting the creek under Route 11 to the river in the Upper Court Street area. At a meeting he and Councilman Grubham attended with NYSDOT and Frito Lay, they found out that the property that the creek was going to be redirected through was owned by Frito Lay and may be developed in the future, so NYSDOT is looking at another alternative. They hope to get this project shovel ready in the event of stimulus money becoming available.

OLD BUSINESS:

91-10
SEQR
LL 11-2010
Amend
Zoning
Storage
Trailers

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. 11-2010 entitled "A Local Law Amending the Town of Kirkwood Zoning Local Law" regarding use of motor vehicles and trailers for storage, in accordance with the attached SEQR Determination. Councilman Grubham seconded.

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

MOTION CARRIED.

92-10
Adopt
LL 11-2010
Amend
Zoning
Storage
Trailers

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting Local Law No. 11-2010 entitled "A Local Law Amending the Town of Kirkwood Zoning Local Law" regarding use of motor vehicles and trailers for storage, in accordance with the attached resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

93-10
Combine
Meetings

Councilman Weingartner moved to adopt resolution combining the June 29, 2010 Work Session and the July 6, 2010 Town Board Meeting into one night to be held July 6, 2010. Councilman Diffendorf seconded.

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

MOTION CARRIED.

94-10
Combine
Meetings

Councilman Diffendorf moved to adopt resolution combining the July 27, 2010 Work Session and the August 3, 2010 Town Board Meeting into one night to be held August 3, 2010. Councilman Grubham seconded.

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

MOTION CARRIED.

95-10
Combine
Meetings

Councilman Grubham moved to adopt resolution combining the August 31, 2010 Work Session and the September 7, 2010 Town Board Meeting into one night to be held September 7, 2010. Councilman Weingartner seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 1, 2010

Councilman Weingartner moved to adopt resolution authorizing Supervisor to enter into an agreement with ACHIEVE for the 2010 Summer Camp Program, in accordance with the attached agreement. Councilman Diffendorf seconded.

Discussion: Supervisor Kniffen explained that this originally was Broome Tioga ARC, which is a summer camp program for challenged or disabled children. He said that in years past there would be about 6 children and some counselors from Kirkwood and the expense for the Town was about \$2750.00. He said last year there were a couple of campers and one counselor from Kirkwood and this year so far 5 from Kirkwood have applied as counselors and no campers, although there still could be some campers. The formula in regard to payment per the number of kids is unknown, but since it appears the number is down Supervisor Kniffen suggested cutting the payment in half and they will address it again next year. All in agreement.

96-10
ACHIEVE
Summer
Camp
Agreement

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to enter into an agreement with Police Athletic League (PAL) for the 2010 Summer Program, in accordance with the attached agreement. Councilman Grubham seconded.

97-10
PAL
Agreement

Discussion: Supervisor Kniffen explained that last year 49 kids from Kirkwood attended this program and the cost has been kept at \$1,000 from the beginning of the program.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution to Support Electronics Recycling and Extended Producer Responsibility Legislation for Electronic Wastes. Councilman Weingartner seconded.

98-10
Electronics
Recycling

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

MOTION CARRIED.

Councilman Weingartner 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 a period of one year:

99-10
Mobile Hon
License-Issu

C.L. Tai Properties, LLC 49 Quilty Hill Road, Kirkwood, NY 13795 Owner: Charles Tai

Councilman Diffendorf seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution appointing Leonard Basso, Municipal Representative Member, to the Broome County Economic Development Zone Board, to fill the unexpired term of Richard O'Dea, for a term to expire November 30, 2010.

100-10
Appoint
L. Basso
Br Co EDZ

Councilman Grubham seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 1, 2010

101-10
Town Fair
Park Permit

Councilman Grubham moved to adopt resolution pursuant to section 3A(e) of Local Law No. 2-1976 entitled "A Local Law Regulating the Use of Parks of the Town of Kirkwood", authorizing Town Clerk to issue a permit to the Kirkwood Town Fair, Inc., for the use of the entire Kirkwood Veterans River Park on August 12, 13, and 14, 2010 without any permit fee to guarantee proper clean up after each use. Councilman Weingartner seconded.

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

MOTION CARRIED.

102-10
ADP
Payroll
Agreement

Councilman Weingartner moved to adopt resolution authorizing Supervisor to execute Client Account Agreement with ADP to provide payroll services at a set up cost of \$25.00 plus \$130.69 per payroll period, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

103-10
Bids
Pump Sta.

Councilman Diffendorf moved to adopt resolution authorizing advertising for Sealed Bids for the Universal Pump Station, with bids returnable to the Town Clerk's Office on July 6, 2010 at 4:00 PM, to be opened and read at 6:00 PM Work Session meeting. Councilman Grubham seconded.

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

MOTION CARRIED.

104-10
Add
D. Travis
Kirkwood
Fire Co
Roster

Councilman Grubham moved to adopt resolution approving the addition of Dave Travis to the 2010 Membership Roster for Kirkwood Fire Company, in accordance with the attached letter. Councilman Weingartner seconded.

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

MOTION CARRIED.

105-10
Approve
5-Mile Pt
Fire Co
Roster

Councilman Weingartner moved to adopt resolution, pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the membership roster for the 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 Diffendorf seconded.

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

MOTION CARRIED.

106-10
Sched PH
Cold War
Veterans
Exemption

Councilman Diffendorf moved to adopt resolution scheduling a Public Hearing for July 6, 2010 at 6:00 PM regarding the proposed Cold War Exemption. Councilman Grubham seconded.

Discussion: Councilman Grubham said that although there most likely won't be much of an impact now there could be in the future. Supervisor Kniffen said that he feels if there is anything that the Town can do for veterans it should do it with a compromise by not giving the highest exemption. Councilman Diffendorf said that it is his understanding that most veterans are getting something now, even those that did not serve actively in the

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 1, 2010

wars. Mr. Blaise noted that if a veteran is already getting an exemption, he would not be entitled to this; it will be defined in the exemption if someone was involved in active duty. His understanding of this exemption is that it is for veterans that don't meet the specific criteria by not being stationed in a combat zone so by their service in the military they would be entitled to this exemption. Councilman Diffendorf said that he thinks in other towns veterans that did not serve overseas are already receiving a property exemption just because they are a veteran. He added that he is on board because he doesn't think this will have much of an impact. Supervisor Kniffen will provide additional information for the public hearing and he thinks the same level of exemption should be given as the current exemption.

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

MOTION CARRIED.

NEW BUSINESS:

Councilman Grubham moved to adopt resolution authorizing Supervisor to enter into an agreement with the Town of Conklin relative to the 2010 Summer Arts & Crafts Program, in accordance with the attached agreement. Councilman Diffendorf seconded.

107-10
Arts/Crafts
Program
Agreement
w/ Conklin

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution authorizing Supervisor to enter into an agreement with Rachel Ditch, Nicholas Polhamus, Lauren Verrocchio, and up to one other individual if needed as Independent Contractors, to conduct an Arts & Crafts Program for the Kirkwood Advisory Board, in accordance with the attached agreements. Councilman Diffendorf seconded.

108-10
Agreement
Arts/Crafts
Personnel

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - 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, 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 Grubham seconded.

109-10
Audit/Pay

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

110-10
Adjourn

MOTION CARRIED.

Meeting adjourned at 6:35 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 1, 2010