

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**September 7, 2010**

A regular meeting of the Kirkwood Town Board was held on September 7, 2010 at 7:00 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: Herbert Kline, Town Attorney  
Gayle Diffendorf, Town Clerk  
Richard Jones, DPW Commissioner  
James Smith, Budget Officer

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

August 3, 2010 Town Board Meeting  
August 17, 2010 Public Hearing  
August 17, 2010 Special Town Board Meeting

**PUBLIC PARTICIPATION:** None.

**COMMUNICATIONS:**

Germania Maennerchor, Inc. regarding liquor license renewal.

Eugene Coddington regarding an unsafe condition.

In response to Mr. Coddington's letter Supervisor Kniffen explained that he did get back to him by leaving a message on his answering machine. After the rain receded the brush was cut away on the town's property and as much as possible on the state property.

**COMMITTEE REPORTS:**

Councilman Weingartner presented the dog control report for August. In response to Councilwoman Yonchuk it was noted that nothing has been received in the Town Clerk's Office as far as the dog enumeration. It was also noted that the total responsibility of all dog licensing procedures will be delegated to local municipalities as of January 2011, including all costs involved.

Ken Newberry explained that since the meeting room was expanded the Town is in violation of the NYS Fire Code. Since the maximum number of occupants is now over 50 two exits are required without going through other quarters. Use of the door into the court area would be going through other quarters so an additional exit out of the meeting room is being considered. Supervisor Kniffen explained that the door into the court area is locked to keep the court secure, but since it is locked how would people get out if there is a fire in the front of the building. Mr. Newberry said that the two doors currently located on the same wall do not meet the requirements for two exits since there is not a fire rated wall between them. Mr. Jones said that he is getting a quote from two contractors to install the exit door. This would be an exit only, not an entrance. Councilmen Diffendorf and Grubham noted a concern with installing an additional exit due to the expense involved. The Town Clerk expressed a concern that there currently is an exit sign over the door into the court and although it is supposed to be unlocked when there is a meeting being held, there is no guarantee that it will be unlocked and everyone that uses the room does not have a key, especially on election days. In the event of an emergency it could be a bad situation if people expected to use the exit and it were locked. Councilman Weingartner suggested possibly using this as a service learning project for BOCES students.

Supervisor Kniffen announced that Steve Gale will be retiring from BMTS.

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Supervisor Kniffen explained that the post office will be vacating in 2011 and that was factored in the budget. He said that when they do vacate it is up to the Town to remove the building and grade it and they are to receive \$37,000 from the developer that owns the state troopers building. The cost of asbestos removal was noted as a concern. Quotes will be obtained to demolish the building and grade the property.

**OLD BUSINESS:**

142-10  
SEQR  
LL 13-2010  
Sr Tax  
Exemption

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the SEQR Determination that Proposed Activity Does Not Require Environmental Review regarding Local Law No. 13-2010 entitled "A Local Law Amending 'An Ordinance Providing A Partial Exemption from Town Taxation to Persons 65 Years of Age or Older Pursuant to the Provisions of Section 467 of the Real Property Tax Law of the State of New York'", 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.**

143-10  
Adopt  
LL 13-2010  
Sr Tax  
Exemption

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 13-2010 entitled "A Local Law Amending 'An Ordinance Providing A Partial Exemption from Town Taxation to Persons 65 Years of Age or Older Pursuant to the Provisions of Section 467 of the Real Property Tax Law of the State of New York'", 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.**

144-10  
SEQR  
LL 14-2010  
Temp  
Storage

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. 14-2010 entitled "A Local Law Amending the Town of Kirkwood Zoning Local Law" regarding Temporary Portable Storage Containers, 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.**

145-10  
Adopt  
LL 14-2010  
Temp  
Storage

Councilman Weingartner moved to adopt resolution, after a Public Hearing, adopting Local Law No. 14-2010 entitled "A Local Law Amending the Town of Kirkwood Zoning Local Law" regarding Temporary Portable Storage Containers, 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.**

Councilman Diffendorf moved to adopt resolution authorizing Richard Jones to attend the New York State Association of Towns Superintendents of Highways 81<sup>st</sup> Town Highway Conference and Expo to be held September 14-17, 2010 at the Saratoga Hotel

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and City Center in Saratoga Springs, NY at a cost of \$763.80, with all reasonable expenses paid. Councilman Grubham seconded.

Roll Call Vote:	Councilman Weingartner	- yes	
	Councilman Grubham	- yes, with reservations	146-10
	Councilwoman Yonchuk	- no	R. Jones
	Councilman Diffendorf	- yes	Attend
	Supervisor Kniffen	- yes	Conference

**MOTION CARRIED.**

Discussion: Mr. Kline suggested that a letter be sent to the Association of Towns suggesting that they consider holding these conferences at less expensive locations. Supervisor Kniffen will take care of that.

Councilwoman Yonchuk moved to adopt resolution canceling the November 2, 2010 Town Board Meeting due to Election Day and rescheduling for Tuesday, October 26, 2010 immediately after the Work Session. Councilman Diffendorf seconded.

Roll Call Vote:	Councilman Weingartner	- yes	147-10
	Councilman Grubham	- yes	Reschedule
	Councilwoman Yonchuk	- yes	Meeting
	Councilman Diffendorf	- yes	11-2-10 to
	Supervisor Kniffen	- yes	10-26-10

**MOTION CARRIED.**

Councilman Diffendorf moved to adopt resolution scheduling a Special Town Board Meeting on December 28, 2010, after the Work Session, for the purpose of auditing year end bills and any other business that may come before the Board. Councilman Grubham seconded.

Roll Call Vote:	Councilman Weingartner	- yes	148-10
	Councilman Grubham	- yes	Sched Spec
	Councilwoman Yonchuk	- yes	Mtg
	Councilman Diffendorf	- yes	12-28-10
	Supervisor Kniffen	- yes	

**MOTION CARRIED.**

Councilman Grubham moved to adopt resolution reappointing Alfred Gorick, Jr. to the Board of Assessment Review with a term to expire September 30, 2015. Councilman Weingartner seconded.

Roll Call Vote:	Councilman Weingartner	- yes	149-10
	Councilman Grubham	- yes	Reappoint
	Councilwoman Yonchuk	- yes	A. Gorick
	Councilman Diffendorf	- yes	BAR
	Supervisor Kniffen	- yes	

**MOTION CARRIED.**

Councilman Weingartner moved to adopt resolution accepting Sealed Bid for Demolition of the Concrete Water Tank at Highland Heights and awarding to Gorick Construction Co., Inc., being the lowest responsible bidder at \$16,600.00, pending approval of the bidding documents by the Town Attorney and Commissioner of Public Works.

Councilwoman Yonchuk seconded.			150-10
Roll Call Vote:	Councilman Weingartner	- yes	Award Bid
	Councilman Grubham	- yes	HH Water
	Councilwoman Yonchuk	- yes	Tank Demo
	Councilman Diffendorf	- yes	
	Supervisor Kniffen	- yes	

**MOTION CARRIED.**

**AUDIT AND PAYMENT OF CLAIMS:**

Councilwoman Yonchuk 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

151-10  
Audit/Pay

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

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

**MOTION CARRIED.**

**NEW BUSINESS:**

Councilman Grubham moved to adopt resolution to adjourn this meeting to conduct an executive session pursuant to Section 105 paragraph f of the Public Officers Law to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Councilman Weingartner seconded.

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.

Councilwoman Yonchuk seconded. All voted in favor.

**MOTION CARRIED.**

Meeting adjourned at 8:10 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk

152-10  
Exec Sess

153-10  
Adjourn