

**TOWN OF KIRKWOOD  
ORGANIZATIONAL TOWN BOARD MEETING**

**January 4, 2011**

An organizational meeting of the Kirkwood Town Board was held on January 4, 2011 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: Herbert Kline, Town Attorney  
Gayle Diffendorf, Town Clerk  
Richard Jones, DPW Commissioner

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

December 28, 2010 Special Town Board Meeting

**PUBLIC PARTICIPATION:**

Ed Egan suggested the Town Board consider initiating action to eliminate odd year elections to save money; a lot of money is spent running an election for one or two candidates. There would be no decrease in services and generally there are no legislative or executive positions on the ballot in odd years. This would involve the state level of government or at the local level only when a vacancy is filled. Councilman Diffendorf noted that holding more than one primary in a year is very costly as well. A letter will be sent to NYS Association of Towns in this regard.

**COMMUNICATIONS:**

Appointment of Deputy Town Clerk  
Appointment of Deputy Commissioner of Public Works  
Recommendation for re-appointment of Clerks to Justices Full Time and Clerk Part Time.  
Recommendation for re-appointment of Town Historian.  
Town of Union regarding Association of Towns Annual Meeting bus arrangements.  
NYSDOT regarding signage at intersections of Rt. 11 and Grosset Dr. and Water St.

In regard to the NYSDOT letter, Supervisor Kniffen said DOT will be making sign improvements which should dramatically help the situation and are recommending that the adjacent business owners consider installing improved facility name signs at both intersections as well. He will contact the business owners in this regard.

Councilman Diffendorf noted there have been a number of accidents at the Wright Motel exit and there is confusion as to who has the right of way. There is a light by the railroad tracks that also faces Route 11 that should be covered on the Route 11 side since when it is green it appears to people exiting the motel that they have the right of way but they actually do not, it is not a light for that parking lot exit. He is concerned that a terrible accident could happen because of this. Two other locations of traffic concerns were noted regarding numerous incidents of vehicles traveling south on the northbound lanes of Route 11 from Colesville Road and from vehicles exiting from Schneider's parking lot turning left onto Route 11 south in the northbound lanes. This is a divided highway area. It was suggested that additional signage is needed in those areas.

**COMMITTEE REPORTS:**

Mr. Jones provided a handout with information regarding the effects of raising the water rates 9¢. The Board has until March to adopt this to become effective April 1<sup>st</sup>.

**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to sign attached agreement with Brick Associates terminating interest of that property in Phase 2 of June 2000 Agreement with Grand Vail regarding acquiring parcel of land post office is located on. Councilman Diffendorf seconded.

1-11  
Brick  
Termination  
Agreement  
Re: PO Prop

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Discussion: Mr. Kline referenced the language regarding the easement signed by Grand Vail to the Town stating that they were giving the Town an easement and right of way over and across a portion of the property the Town transferred to Grand Vail as shown by a shaded area on a survey map by Hawk Engineering to access the existing post office structure situate on the adjacent premises owned by the Town and to situate the post office loading docks on such premises until such time the Town conveys the adjacent premises to Grand Vail. The existing property line runs between the state police barracks and the post office with the easement being on the barracks property. It was determined that if repairs are required to the post office there is enough room to take care of that. Mr. Kline explained that in the deed to Grand Vail there is a survey description that is shown on the Hawk survey which was needed for the deed and Title Insurance for Grand Vail financing. Exact dimensions of the property will be available when Mr. Kline receives a blow up of the map from the Broome County Clerk. Mr. Kline said that in the least the Town would have it by adverse possession since it has been more than 10 years.

Discussion as to concern regarding environmental issues; radon, lead paint and lead in the water. According to Councilman Grubham the report has not been received but even if there are issues they can easily be corrected. Mr. Kline said that the Town should do a SEQR determination but that cannot be done until the environmental report is received. Options discussed. By signing the lease if environmental issues are identified, at the Town's expense, they will be corrected.

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

**MOTION CARRIED.**

2-11  
Lease  
Post Office

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to sign attached 5-year lease with US Postal Service regarding parcel of land post office is located on. Councilman Grubham seconded.

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

**MOTION CARRIED.**

Councilwoman Yonchuk credited the residents of Kirkwood, particularly those in the Five Mile Point area for the post office staying, due to the response at the meeting held with postal officials. She also credited the efforts of Supervisor Kniffen and Councilmen Grubham and Diffendorf. Supervisor Kniffen added that originally the post office sent a notification letter to Kirkwood residents of postal service termination in Kirkwood as of December 31, 2010. A letter indicating that a lease will be signed with the Town for 5 years is to be sent by the post office but as yet it has not been received. The information will be in the next town newsletter. It was also noted that according to the post office changing carrier service to Binghamton is a cost savings and was scheduled whether the post office closed or not. A concern was raised by a resident as to what the Board plans to do to avoid this problem again in 5 years. According to Supervisor Kniffen if it is the intent of the post office to stay then the Board will do all they can to keep them in Kirkwood. Councilman Diffendorf added that if a package is not deliverable it can be picked up the following day at the Kirkwood post office.

**NEW BUSINESS:**

3-11  
Appoint  
Press  
Official  
Newspaper

Councilman Grubham moved to adopt resolution appointing the Press & Sun-Bulletin as the official newspaper for 2011 and designating The Country Courier, pursuant to Town Law Section 64 (11), as a supplemental newspaper for publication of all legal notices of the Town for 2011, and requiring the applicant on a zoning matter or an environmental matter to pay the cost of such publication in the official newspaper of the Town, and the Town to pay the cost of such publication in the supplemental newspaper. Councilman Weingartner seconded.

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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 naming M & T Bank as the depository for town funds for the Supervisor for 2011. Councilwoman Yonchuk seconded.

4-11  
M&T Bank  
Depository

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 appointing the Supervisor as Service Officer for 2011. Councilman Diffendorf seconded.

5-11  
Appoint  
Supervisor  
Service Offer

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 the Supervisor to invest general funds, special district funds and highway moneys not obligated or required for immediate expenditure in United States treasury bills, savings accounts, time deposit or time certificates of deposit through JP Morgan Chase Bank, HSBC, Charter One, Manufacturers & Traders Trust Company, Tioga State Bank, Chemung Canal Trust Company, NBT Bank, and Wilber National Bank; said investments to be payable or redeemable at the option of the Supervisor within such times as the proceeds may be needed to meet expenditures for which the moneys were provided, all pursuant to the provisions of the Investment Policy for the Town of Kirkwood adopted July 3, 1993. Councilman Grubham seconded.

6-11  
Supervisor  
Invest Fund:

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution establishing reimbursement of expenditures incurred in 2011 as follows:

7-11  
Mileage &  
Exp Reimb

Mileage reimbursement at current Federal Government rate for job related travel.

Attendance at job related meetings not to exceed \$20 per meeting (other than New York City);

Attendance at job related meetings in New York City at \$88 per day for meals only.

Councilman Weingartner seconded.

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

MOTION CARRIED.

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Councilman Weingartner moved to adopt resolution designating the following Tuesdays of each month as Town Board meeting nights to be held at 6:00 PM at the Joseph A. Griffin Town Hall:

8-11  
Mtg Night  
Designation

First Tuesday - Regular Town Board Meeting  
Last Tuesday - Work Session

Councilwoman Yonchuk seconded.

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 requiring all itemized vouchers to be submitted to the Town Clerk's office before noon of the Friday prior to the last Tuesday of each month, and vouchers for reimbursement of medical and optical expenses to be submitted to the Town Clerk's office before noon of the Thursday prior to the last Tuesday of each month to qualify for audit and payment at the next regular Town Board meeting. Councilman Diffendorf seconded.

9-11  
Voucher  
Submittal

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 establishing hourly rates of pay for Public Works personnel for 2011, in accordance with the attached rate sheet from DPW Commissioner. Councilman Grubham seconded.

10-11  
Pay Rates  
DPW

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution establishing hourly rates of pay for independent contractors and Board of Assessment Review, in accordance with the attached resolution. Councilman Weingartner seconded.

11-11  
Pay Rates  
Ind Contrac  
& BAR

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 establishing salaries for all elected and appointed officials and employees, as set forth in the 2011 budget. Councilwoman Yonchuk seconded.

12-11  
Salaries  
Elected/  
Appointed

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 appointing the following persons to the designated positions for 2011, in accordance with the resolution. Councilman Diffendorf seconded.

13-11  
Apptmnts  
Various

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                         Councilman Grubham              - yes  
                         Councilwoman Yonchuk          - yes  
                         Councilman Diffendorf          - yes  
                         Supervisor Kniffen               - yes

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to submit to the Town Clerk by March 31, 2011, a copy of his Annual Report to the State Comptroller and directing the Town Clerk to cause a notice to be published within ten (10) days after receipt of said report in the official newspaper and supplemental newspaper of the town that a copy of such report is on file and available for inspection in Town Clerk's office. Councilman Grubham seconded.

14-11  
Annual  
Report

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing the payment of utility bills, town real property tax bills and postage prior to audit pursuant to Town Law Section 118 (2). Councilman Weingartner seconded.

15-11  
Prepay  
Bills

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 reaffirming and re-adopting resolutions establishing Cash Management Policies/Procedures adopted June 5, 1990 and the Procurement Policy adopted December 6, 1994 and the Investment Policy adopted July 3, 1993. Councilwoman Yonchuk seconded.

16-11  
Cash  
Management  
Policies

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 the Commissioner of Public Works to purchase equipment and tools not to exceed a total of \$2,000.00 per year without prior Town Board approval, providing such purchases are consistent with a resolution adopting a Procurement Policy enacted December 6, 1994 by Kirkwood Town Board and reviewed and reaffirmed herewith. Councilman Diffendorf seconded.

17-11  
DPW  
Equipment  
Purchases

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

MOTION CARRIED.

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Councilman Diffendorf moved to adopt resolution reappointing Daniel Giblin as Assessor for a term to expire September 30, 2013. Councilman Grubham seconded.

18-11  
Reappoint  
D. Giblin  
Assessor

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

MOTION CARRIED.

**OTHER:**

Discussion – Request for Change in Zoning – Roger Boumrad – Tax Map # 161.08-1-8 – 635 Court Street – B-2 to B-3 – To allow the sale of automobiles.

19-11  
Rezoning  
Request  
R. Boumrad  
to Pl Bd

Councilwoman Yonchuk moved to adopt resolution referring application of Roger Boumrad for a change in zoning to the Town of Kirkwood Planning Board for a recommendation. Councilman Diffendorf seconded.

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 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 this date, all in accordance with the abstract of claims on file in the Town Clerk's Office.

20-11  
Audit/Pay

Councilman Weingartner seconded.

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

MOTION CARRIED.

**OTHER:**

Supervisor Kniffen moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph e of the Public Officers Law to discuss collective negotiations pursuant to article fourteen of the Civil Service Law. Councilman Diffendorf seconded.

21-11  
Exec. Sess.

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

MOTION CARRIED.

Meeting adjourned at 7:00 PM for Executive Session and reconvened at 7:51 PM.

**ADJOURNMENT:**

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

22-11  
Adjourn

MOTION CARRIED.

Meeting adjourned at 7:51 P.M

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk