

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

March 1, 2011

A regular meeting of the Kirkwood Town Board was held on March 1, 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 William Diffendorf, Jr.
Councilwoman Linda Yonchuk

Absent: Councilman Lewis Grubham

Also Present: Oliver Blaise III, Deputy Town Attorney
Gayle Diffendorf, Town Clerk
Richard Jones, DPW Commissioner
Marchie Diffendorf, BC Legislator and Planning Board Chairman
Duane Travis, ZBA Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

February 1, 2011 Town Board Meeting
(2) February 22, 2011 Public Hearings

PUBLIC PARTICIPATION: None.

COMMUNICATIONS:

Congressman Maurice Hinchey regarding levee safety and flood insurance. Supervisor Kniffen explained that the new flood maps will not be acted on by April 1 as originally noted since there will be changes. Meetings are scheduled at 10AM to 1PM on March 22, 2011 for those that have levee problems and March 23, 2011 for those that do not. FEMA and DEC will hold open house events for the public on April 19 and 20, 2011 from 4PM to 8PM at a location to be determined. Many properties have been designated as being in the 100-year flood area which would require the property owners to buy flood insurance in order to obtain future help from FEMA and this will give the property owners an opportunity to challenge this.

COMMITTEE REPORTS:

Councilman Weingartner presented the dog control reports for December, January and February.

Councilman Weingartner reported that the insurance renewals have been taken care of.

Councilman Weingartner reported that the Kirkwood Democratic Club is looking for a small service project in Kirkwood, possibly to coincide with the Beautification Committee.

Marchie Diffendorf noted that training was offered by Mr. Kline on Saturday for those planning and zoning officials that were required to make up their hours as well as for training for the current year and he questioned what will happen if an individual did not make up the hours. Mr. Blaise said that although this is a state regulation there is no enforcement specified in the law so it will be up to the Town Board as to how they want to handle it. Supervisor Kniffen noted that there was training offered at the Town of Chenango last week as well and he will check on the training status of the officials in question. Councilwoman Yonchuk said that there is a concern with this regulation which offers no consequence.

Mr. Jones reported that the water department is working on the valve issue and the report is done for Water District #3, the oldest system. The number, sizes and locations of valves have been identified. The next step is to make sure all the valves are accessible and not buried under the blacktop. They will continue to work on the remaining districts.

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Councilman Diffendorf noted that a new property owner in Kirkwood contacted him with a compliment to the Town on the informational flyer that he received with his tax notice.

OLD BUSINESS:

37-11
SEQR
LL 2-2011
Prof. Fees

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. 2-2011 entitled ‘A Local Law Amending a Local Law Entitled “Professional Consultation Fees”’, in accordance with the attached SEQR Determination. Councilman Diffendorf seconded.

Discussion: Mr. Blaise explained that this will provide that the professional fees be paid by the applicant in the event that the Mr. Jones as Commissioner of Public Works or Mr. Kiberd as Building Inspector require engineering or other professional help regarding a project that may be before them.

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

MOTION CARRIED.

38-11
Adopt
LL 2-2011
Prof Fees

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2011 entitled ‘A Local Law Amending a Local Law Entitled “Professional Consultation Fees”’, in accordance with the attached resolution. Councilman Weingartner seconded.

Discussion: It was determined that if the Town Engineer was requested to attend a Planning Board Meeting for a project that is customary this would not pertain. Determination may be made in the future as to whether professional fees for various projects fall under the local law.

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

MOTION CARRIED.

39-11
SEQR
LL 3-2011
Water Rates

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. 3-2011 entitled “A Local Law Amending an Ordinance Establishing Water Rates and Connection Charges for Water Districts of the Town of Kirkwood, NY”, in accordance with the attached SEQR Determination. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

40-2011
Adopt
LL 3-2011
Water Rates

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting Local Law No. 3-2001 entitled “A Local Law Amending an Ordinance Establishing Water Rates and Connection Charges for Water Districts of the Town of Kirkwood, NY”, in accordance with the attached resolution. Councilman Diffendorf seconded.

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

MOTION CARRIED.

41-11
Coolbaugh
Attend
PERMA
Training

Councilman Diffendorf moved to adopt resolution authorizing Randy Coolbaugh to attend the PERMA Annual Conference to be held May 26-27, 2011 at the Sagamore Resort in Bolton Landing, NY at a cost of \$ 99.00 for May 25, 2011 and \$176.00 for May 26, 2011, plus mileage and all reasonable expenses paid. Councilman Weingartner seconded.

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Roll Call Vote: Councilman Weingartner - yes
 Councilwoman Yonchuk - 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 licenses to be effective upon the expiration of the previous permit and to continue in force for a period of one year:

42-11
Issue
Mobile Home
Licenses

Southern Tier Communities, LLC, 1794 US Route 11, Kirkwood, NY 13795

Owner: Southern Tier Communities, LLC

Quilty Hill Mobile Home Park, 49 Quilty Hill Road, Kirkwood, NY 13795

Owner: C L Tai 40 Properties, LLC

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing Supervisor to sign the General Release and Indemnification Agreement with Dover Corporation, in accordance with the attached agreement. Councilman Diffendorf seconded.

43-11
Dover Corp
Indemn.
Agreement

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution scheduling a Public Hearing for March 29, 2011 at 6:00 PM regarding parking requirements for warehouse establishments. Councilman Weingartner seconded.

44-11
Sched PH
Warehouse
Parking

Roll Call Vote: Councilman Weingartner - 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 4, 2011, all in accordance with the abstract of claims on file in the Town Clerk's Office.

45-11
Audit/Pay

ADJOURNMENT:

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

46-11
Adjourn

MOTION CARRIED.

Meeting adjourned at 6:34 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk