

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

August 2, 2011

A regular meeting of the Kirkwood Town Board was held on August 2, 2011 at 7:20 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

Present: Supervisor Gordon Kniffen
Councilman Lewis Grubham
Councilman William Diffendorf, Jr.
Councilwoman Linda Yonchuk

Absent: Councilman Robert Weingartner

Also Present: Herbert Kline, Town Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, DPW Commissioner

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

July 5, 2011 Town Board Meeting
July 18, 2011 Special Town Board Meeting

PUBLIC PARTICIPATION:

Charles Fenson, a professional engineer, referenced an item concerning him under New Business contained in the Town Board meeting minutes of February 1, 2011. As a response, he commented as follows: His client, Mr. Soucie who he has been representing for many years, has health issues and is loosing the property to foreclosure. Mr. Soucie made a ridiculous offer to Mr. Fenson to buy out the property and he said that he, of course, expressed interest in it. He noted that that information in the minutes is true. He never told anyone that he bought it and a figure was never agreed upon. His problem is that he received a 5-minute phone call from Ken Newberry at which time Ken informed Mr. Fenson that he had gone to the property and said that the dumpster was empty but violations still existed, which means Ken Newberry trespassed on the property. Mr. Fenson had warned him not to trespass and Mr. Soucie had warned him not to trespass and he further expressed to Ken all the reasons why he does not have the right to trespass and Ken said he could observe this from the street. He told Ken Newberry that he feels it is his Christian duty to give him a more strict warning that his life was in danger if he trespassed on that property. He told him not to go on it. He felt it was just a friendly warning and never thought that it would reflect on him or be an attack on him. Mr. Fenson was arrested by the State Police after that conversation. He explained to them what really happened and then Ken Newberry wanted to increase his misdemeanor charge to a criminal charge. After hearing his explanation of what was going on all charges were dropped. He has a problem that in the minutes it was noted that Mr. Newberry received a death threat from Mr. Fenson. He has no idea why the Town Board wanted to attack him, posting this on the internet and saying it was fact. He is upset that this was done to him. According to Mr. Fenson, Mr. Soucie is a little hot headed and he explained to the State Police that he went to the property to deliver items requested by Mr. Soucie and Mr. Soucie greeted him with a loaded rifle in his hands. He has warned everyone that goes on the property. According to Mr. Fenson the Board is embarrassing him and he has no idea what they are trying to say. They did not research it nor did they get his opinion. Mr. Fenson finds it hard to believe that they would believe he would make any bad statements while his mother was overhearing what he was saying, and she heard his side of the entire phone conversation with Mr. Newberry. Mr. Fenson said there are no grounds for this statement and he hopes there will be a correction.

COMMUNICATIONS:

Binghamton Elks Lodge #70 regarding renewal of liquor license.
Woodkirk Lanes, Inc. DBA Sunset Lanes regarding renewal of liquor license.

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COMMITTEE REPORTS:

On behalf of the Town Board, Councilwoman Yonchuk thanked all the people involved in the recent employee benefit, especially the Coolbaughs and Finches. She said there was a very generous community response.

OLD BUSINESS:

98-11
Tire Drop
Off Days

Councilwoman Yonchuk moved to adopt resolution establishing Tire Drop Off Days for the Town of Kirkwood to be held Saturday, September 10, 2011 and Saturday, September 24, 2011 at the Highway Garage, such tires to be delivered by the Department of Public Works to the Broome County Landfill with a waiver of tip fees. Councilman Diffendorf seconded.

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

MOTION CARRIED.

99-11
W. Coe
Attend
Education
Conference

Councilman Grubham moved to adopt resolution from Ward Coe to attend the 2011 Continuing Judicial Education Program at the New York State Magistrates Association Annual Conference in Niagara Falls, NY, September 25 – 28, 2011 at an approximate cost after reimbursement of travel and one night of lodging is \$736.00. Councilwoman Yonchuk seconded.

Roll Call Vote:	Councilman Grubham	- no
	Councilwoman Yonchuk	- no
	Councilman Diffendorf	- no
	Supervisor Kniffen	- no

MOTION FAILED.

100-11
Court Grant

Councilman Diffendorf moved to adopt resolution authorizing the Kirkwood Town Court to apply for the 2011 Justice Court Assistance Program Grant, in the amount up to \$30,000. Councilman Grubham seconded.

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

MOTION CARRIED.

101-11
Rescind
Appt
S. Pompeii

Councilman Grubham moved to adopt resolution rescinding a resolution appointing Sharon Pompeii to Senior Clerk, PT. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

102-11
Disc.
Contempt
Proceedings
Berka

Councilwoman Yonchuk moved to adopt Resolution Authorizing Discontinuance of Contempt Proceeding Commenced Against David W. Berka and Carol Berka, in accordance with the attached resolution. Councilman Diffendorf seconded.

Discussion: This is 90% cleaned up and the resolution to discontinue is contingent upon the cleanup being completed. If they are not in full compliance with the requirements upon inspection, the Town will go ahead with the contempt proceedings.

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

MOTION CARRIED.

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Councilman Diffendorf moved to adopt resolution Adopting Code of Ethics for Town of Kirkwood, in accordance with the attached resolution. Councilwoman Yonchuk and Councilman Grubham seconded.

Roll Call Vote:	Councilman Grubham	- yes	103-11
	Councilwoman Yonchuk	- yes	Adopt Code
	Councilman Diffendorf	- yes	of Ethics
	Supervisor Kniffen	- yes	

MOTION CARRIED.

Councilman Grubham moved to adopt resolution Approving Standard Work day and Reporting Resolution for Gayle Diffendorf, Town Clerk and Registrar/Vital Statistics, PT, in accordance with the attached resolution. Councilwoman Yonchuk seconded.

Roll Call Vote:	Councilman Grubham	- yes	104-11
	Councilwoman Yonchuk	- yes	Standard
	Councilman Diffendorf	- yes	Wk Day
	Supervisor Kniffen	- yes	Retirement
			TC/ RVS

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 January 4, 2011, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Diffendorf seconded.

Roll Call Vote:	Councilman Grubham	- yes	105-11
	Councilwoman Yonchuk	- yes	Audit/Pay
	Councilman Diffendorf	- yes	
	Supervisor Kniffen	- yes	

MOTION CARRIED.

ADJOURNMENT:

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

MOTION CARRIED.

106-11
Adjourn

Meeting adjourned at 7:35 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk