

TOWN OF KIRKWOOD  
TOWN BOARD MEETING

November 1, 2011

A regular meeting of the Kirkwood Town Board was held on November 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 Lewis Grubham  
Councilwoman Linda Yonchuk  
Councilman William Diffendorf, Jr.

Also Present: Herbert Kline, Town Attorney  
Gayle Diffendorf, Town Clerk  
Raymond Coolbaugh, DPW Commissioner  
Marchie Diffendorf, BC Legislator & Planning Bd. Chairman  
Duane Travis, ZBA Chairman

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

October 2, 2011 Town Board Meeting  
October 10, 2011 Special Town Board Meeting  
(2) October 25, 2011 Public Hearings

**PUBLIC PARTICIPATION:**

Danny Barlow, a senior of Windsor High School, was present as an assignment of his Politics in Government class.

Jeanne Wescott, Yasmin Van and Joel Berka, from the Mental Health Association of The Southern Tier explained that Project Renew is a short term crisis counseling program. They are checking in with people in the area in their homes to see how they are doing emotionally in regard to flood issues to try to help them get through it. If there is enough interest they possibly will hold support group meetings as well. They have held public information sessions and have distributed flyers. They have also been in touch with schools and will be including senior centers as well.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

Councilman Weingartner presented the dog control report for October.

As a follow up to Mr. Egan's question at the budget public hearing last week, Supervisor Kniffen reported that it appears there definitely will be a buyout, although at this point there is nothing in writing and there is no information as to what impact it will have on the Town's tax rate. If there are eligible people who choose to participate it will involve a lot of paperwork. Since there are fewer personnel in the Code Office than following the 2006 flood, Supervisor Kniffen asked Sam Borruso, who worked on the 2006 buyouts, to work on the project this time as well on a part-time basis. He noted that FEMA will reimburse 75% of costs relating to the flood but the Town would have to absorb the other 25%. Councilman Grubham mentioned that the State may offer a 12 ½% reimbursement.

**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution Adopting Annual Budget for 2012, in accordance with the attached resolution. Councilman Diffendorf seconded.

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

136-11  
Adopt  
Budget

MOTION CARRIED.

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137-11  
SEQR  
LL 7-2011  
Amend LL  
Wood Boilers

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting the SEQR Determination that Proposed Activity Does Not Require Environmental Review, regarding Local Law No. 6-2011 entitled “A Local Law Amending A Local Law of the Town of Kirkwood Regulating Outdoor Wood Burning Wood Boilers”, in accordance with the attached SEQR Determination. Councilman Grubham seconded.

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

MOTION CARRIED.

138-11  
Adopt  
LL 7-2011  
Amend LL  
Wood Boilers

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting Local Law No. 7-2001 entitled “A Local Law Amending a Local Law of the Town of Kirkwood Regulating Outdoor Wood Burning Wood Boilers”, in accordance with the attached resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

139-11  
Refer to  
PB  
Day Care  
Use - ID

Councilman Weingartner moved to adopt resolution referring Jody Flagg’s request to amend the permitted uses of an Industrial Development District to add day care facilities to the Planning Board for review and recommendation. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

140-11  
Ratify  
Sched PH  
Amend Wood  
Boilers LL

Councilwoman Yonchuk moved to adopt resolution ratifying a resolution scheduling a Public Hearing for October 25, 2011 at 6:00 pm regarding an amendment to Outdoor Wood Burning Wood Boilers Local Law. Councilman Diffendorf seconded.

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

MOTION CARRIED.

141-11  
Sched PH  
W&S Rolls

Councilman Diffendorf moved to adopt resolution scheduling a Public Hearing for November 29, 2011 at 6:05 pm regarding the Year 2012 Water and Sewer Rolls. Councilman Grubham seconded.

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

MOTION CARRIED.

142-11  
Sched PH  
Fire  
Contracts

Councilman Grubham moved to adopt resolution scheduling a Public Hearing for November 29, 2011 at 6:00 pm on the Year 2012 Fire Contracts. Councilman Weingartner seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes

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Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution accepting the attached statement to be read into the record regarding the Roger Boumrad application for rezoning.

Councilwoman Yonchuk seconded.

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

143-11  
No Action  
Boumrad  
Rezoning  
App

MOTION CARRIED.

Discussion: Mr. Kline explained to Warren Scofield that the Town Board received the application and based on the negative recommendation from the Planning Board will take no further action.

Councilwoman Yonchuk moved to adopt resolution authorizing Highway Superintendent to enter into an agreement with the Town Board regarding Expenditure of Highway Money, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

144-11  
Hwy Expense  
Agreement  
2011

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Commissioner of Public Works to enter into an agreement with Suburban Septic & Excavating Service, Inc., regarding Flood Remediation Work, in accordance with the attached agreement.

Councilman Grubham seconded.

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

145-11  
Agreement  
Suburban  
Septic  
(Flood)

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing Supervisor to enter into an agreement with Edmunds & Associates regarding 2012 Hardware & System Software Support, in accordance with the attached agreement. Councilman Weingartner seconded.

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

146-11  
Edmunds  
Hardware &  
Software  
Support  
Agreement

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution authorizing Supervisor to enter into an agreement with Edmunds & Associates regarding 2012 Annual Software Support, in accordance with the attached agreement. Councilwoman Yonchuk seconded.

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

147-11  
Edmunds  
Annual  
Software  
Support  
Agreement

MOTION CARRIED.

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Councilwoman Yonchuk moved to adopt resolution ratifying a resolution appointing Jim Kavalesky as Building Inspector, PT effective October 28, 2011 at a rate of pay of \$17.50 per hour pending approval from Broome County Civil Service. Councilman Diffendorf seconded.

148-11  
Ratify  
Appt  
J. Kavalesky  
Bldg Insp  
PT

Supervisor Kniffen requested that the wording “up to a maximum of 19 ½ hours per week” be added to the resolution. Councilwoman Yonchuk and Councilman Diffendorf amended their motion and second.

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

MOTION CARRIED.

**NEW BUSINESS:**

Councilman Diffendorf moved to adopt resolution acknowledging that pursuant to section 123 of the Town Law the Town Board engaged Budget Officer, James Smith, CPA, to make an annual audit of the books and records of each Town Justice for the year 2010 including the criminal and civil dockets, and that Mr. Smith determined that the fines and fees shown thereon that had been collected were turned over to the proper officials as required by law. Councilman Weingartner seconded.

149-11  
Audit of  
Justice  
Dockets

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

MOTION CARRIED.

Discussion: In response to Mr. Egan, Mr. Kline explained that the audit was done in a timely manner and that this is a State required acknowledgement that it had been done.

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

150-11  
Audit/Pay

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. Councilman Grubham seconded. All voted in favor.

151-11  
Adjourn

MOTION CARRIED.

Meeting adjourned at 6:23 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk