

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**October 4, 2016**

A regular meeting of the Kirkwood Town Board was held on October 4, 2016 at 6:00 PM at the Joseph A. Griffin Town Hall with Deputy Supervisor Robert Weingartner presiding.

Present: Deputy Supervisor Robert Weingartner  
Councilman Lewis Grubham  
Councilman William Diffendorf, Jr.  
Councilwoman Linda Yonchuk

Absent: Supervisor Gordon Kniffen

Also Present: Oliver Blaise III, Attorney  
Gayle Diffendorf, Town Clerk  
Raymond Coolbaugh, DPW Commissioner  
John Finch Jr., Chief Water Treatment Plant Operator

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

September 6, 2016 Public Hearing and September 6, 2016 Town Board Meeting

**PUBLIC PARTICIPATION:**

Robby Weingartner introduced himself as a student of the Participation in Government Class at Windsor High School and son of Deputy Supervisor Weingartner, who was attending as part of a class requirement.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:** None.

**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution scheduling a Public Hearing for October 25, 2016 at 6:00 PM regarding the Comprehensive Plan Update. Councilman Diffendorf seconded.

139-16  
Sched. PH  
Comp. Plan

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution Approving the 2017 Preliminary Budget and Directing a Public Hearing for October 25, 2016 at 6:05 PM. Councilman Grubham seconded.

140-16  
Approve  
Prelim  
Budget  
Sched PH

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

MOTION CARRIED.

**COURT GRANT DISCUSSION:**

Councilman Grubham said he would like to consider holding this over because he has some concern since there was never any discussion with anyone in the rest of the building regarding how this was all going to work. They will be protecting everyone in the Court but not protecting anyone in the rest of the building, although he thinks there are ways to do that if the Board is going to go ahead with this. He said he is not against doing this but he does not think there was a lot of planning with it and he is against how the money is going to be spent. His thinking in holding it over is that they could get the money at some point in the future. Mr. Blaise said there most likely is a deadline to submit and his understanding is the grant is only for the Court. He does not think anything can be changed, including putting in bulletproof glass in the whole building, unless it is tied into the Court. Councilman Grubham said if they had talked to them he thinks there is a way

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they could have made this work. Since Councilman Grubham said that sometimes the Board meeting room is used by the Court, Councilman Diffendorf questioned why it and the front entrance could not be encompassed in the grant application. Councilman Grubham shared some of his thoughts in that regard suggesting they put a bulletproof glass door preceding the first corridor in the front entryway with an electronic latch as well as bulletproof glass in front of the Town Clerk's office. People could still get in the building but everyone in the building would be protected. They would need some time to figure exactly how this would work. If some of the money could be used for that they wouldn't need as much money in the court to make this all work, and it would depend on whether they get the whole \$30,000 or a portion of it. Mr. Blaise said he's never heard of anyone getting the whole \$30,000. Councilman Grubham noted that when the last grant was applied for by the Court the work was done prior to getting the money and then they did not get the amount they asked for and he wants to make sure that doesn't happen again. Mr. Blaise said it will come down to if the grant is for the Court or Court related, noting he uses this meeting room almost every time he is in Court for conferences. Councilman Grubham said it is not in the grant application to make this room secure, it only involves the door from this meeting room to the Court. He does not want to turn the money down if it is available but on the other hand he does not want to find out they are locked in and can't do anything else to protect the other people and then they would have to pay for it separately. It was noted there are 3 doors and electronic locks involved for a cost of about \$12,500, which at this point is the only amount being requested, although the maximum that could be requested is \$30,000. Councilman Grubham said there are 4 levels of bulletproof glass and they are looking at installing level 3 glass which will not fit in the existing doors. Mr. Blaise noted that if the Court is successful in obtaining a grant and it does not cover all of the costs, they will only do what is covered. Dep. Supervisor Weingartner said Acting Justice Weingartner is not involved with the grant and since it was not known if there is a deadline to submit the application he contacted Judge Coe to determine the deadline is October 13<sup>th</sup>. Councilman Grubham said he is alright with going ahead and asking for the grant at this time. Councilman Diffendorf said it appears they are only asking for these items so it is likely they won't get any more than that unless it is updated to get more. It was noted that this should be discussed with Judge Coe.

Councilman Grubham moved to adopt resolution authorizing the Kirkwood Town Court to apply for the 2016 Justice Court Assistance Program Grant, in the amount up to \$30,000.

141-16  
Apply for  
Court Grant

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution ratifying a resolution authorizing payment for mowing vacant properties at 640 Stratmill Road, 15 S. Sunset Drive, and 114 Ostrum Road to Tim Sisson Construction in the amount of \$700. Councilman Diffendorf seconded.

142-16  
Ratify  
Pay for  
mowing  
properties

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

MOTION CARRIED.

**NEW BUSINESS:**

Councilman Diffendorf moved to adopt resolution Honoring Maine Endwell Little League World Series Champions of 2016, in accordance with the attached resolution. Councilman Grubham seconded.

143-16  
Honor M-E  
Little League  
World Series  
Champs

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

MOTION CARRIED.

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**OTHER:**

**PAVING:**

In response to Councilman Grubham, Ray Coolbaugh said the parking area around the town hall will be paved before the plant is closed this fall.

**DITCHES:**

Councilman Grubham questioned how close they are getting to the town's water line when digging the ditches on Trim Street, noting a concern they might freeze. John Finch said they were dug down to the original depth. There are spots where the lines are 3 feet below the ditches.

**TRAFFIC:**

Councilman Grubham said they should be thinking about the amount of traffic the new Dick's plant will be generating. He has tried to contact County Legislator Scott Baker about the intersection from Bridge Street to the county road from Conklin to Kirkwood. He is questioning if there shouldn't be a caution light installed. Ray Coolbaugh said he talked to Dave Hamilton about that and the County is looking into signage and what they can do to make it safe.

Councilman Grubham said there already is a little problem with people that work in the Conklin Industrial Park that come through Main Street, noting a dog was hit and killed recently by someone going too fast through there. He is not sure how that can be controlled but he feels they should take a look at it to see if there is anything they can do.

Councilman Grubham also noted they should talk to NYS about Exit 1 since it needs to be cleaned up. He said it is the worst exit on 81 and they do nothing there.

**TOWN REQUEST CENTER:**

Councilman Grubham questioned if the new email option for the town's website was up and running. That has yet to be addressed.

**WATER PUMP STATION:**

Councilman Diffendorf said recent emails indicate the City doesn't know any more about the situation with the pump station than anyone else does. Ray Coolbaugh said he spoke with Supervisor Kniffen about this and they are waiting to see what the City comes up with before they proceed with it. There is still a question about an Inter-Municipal Agreement and there is work that needs to be done on the City's side, so this leaves things up in the air. Councilman Diffendorf said he is surprised there is all this work that needs to be done, these are pipes. If they were underground pipes there wouldn't be anything to be done. He is a little unhappy that things are not there to be used. He said the agreement is something that had been in place since about 1965 and it is unfortunate that no one seems to know about it now. Mr. Blaise will look into Mr. Kline's old records in this regard. Ray Coolbaugh said they are working at refining the original quote of \$123,500 to refurbish the pump station.

**2006 GMC 5500 TRUCK:**

Ray Coolbaugh explained they use this truck to plow Highland Heights and most of the other short streets on that end of Town but it currently is not running. A quote from Burr Truck to repair it is \$7,735 for the motor and \$3,200 for the injectors for a total of \$10,935. He also got prices from both Studer's and Country Town for a Jasper lawn block at \$6,600 for the motor and \$3,200 for the injectors. He has a concern with the Jasper because he has information that they are not as good as they were a few years back. He said according to D&W there are no good after-market rebuilds for that Duramax diesel that they would be comfortable with, so they suggested they go to a GM rebuild. Matthews gave them a price of \$7,000 and again \$3,200 for the injectors and that comes with an 18 month, 100,000 mile warranty. It was slated to get rid of the truck this year and replace it with new but unfortunately it is not worth anything with it not running. He suggested they go with a motor from Matthews and his crew will do all the work and then keep the truck for a couple more years to get some of the money out of it. The truck has between 65,000 and 70,000 on it. Ray added that a transmission was put in a couple of years ago and a rear

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end was put in last year. The new warranty would guarantee it for 100,000 but the old warranty has expired. He said replacement cost for that size truck would be about \$140,000. He has some money left in the repair line to cover the cost and he is going to talk to Jim Smith to see if he can use some of the salt/sand money since they already have all the salt and most of the sand they need for this year.

**SALT:**

Ray Coolbaugh said they have to take 70% of the salt they need by August and if they don't take it they are charged for the salt plus the cost of storage. They have 500 ton and he is thinking this should be enough for the winter unless it is unusually bad. They have already ordered for next year and did not cut back on the amount since there is no way to know how bad a winter will be.

**COURT GRANT: (Additional Discussion)**

Judge Coe came to discuss the Unified Courts Assistance Grant Program. Dep. Supervisor Weingartner did inform Judge Coe that the resolution was passed but they would like him to meet with the Board members to figure out a way to make the entire access to the Court, including the rest of the building, safe also. Judge Coe said this grant from the Unified Courts System is only for the courts period. It has nothing to do with the rest of the town building. Dep. Supervisor Weingartner said they understand that, but this meeting room is used for court conferences and he knows for a fact that people were upset because the Court was closed due to a conference, but a lot of people came through the front entrance to find out what was going on. Judge Coe said that was unfortunate and maybe more should have been done to let people know what to do and he apologizes for that but he does not anticipate that will ever happen again, that the conference will be not likely be held in Binghamton again. Even though there is a sign on the front door that the Town Court is around to the side entrance, the Town Clerk said many people come in the front door on a regular basis for the Court. Judge Coe said he understands that because they have the same problem in the Court. Although they know the grant is for the Court only, Dep. Supervisor Weingartner said they feel there is a way they can get it done. Councilman Grubham said they wish the Court had come to them before. He said he thinks there is another way to do it that would have satisfied the Court and the grant and they still could have made the Town Hall safe for the other people. He said right now if something were to happen and someone came in with ill intent, the Court personnel will be safe, but the rest of the people could get killed. Judge Coe said he feels the percentages of what the Court does compared to what the rest of the Town does...they put people in jail. Councilman Grubham said he realizes that but people come in the front entrance all the time and they might not even realize to go to the Court entrance. He said he feels there is a way to do this and still satisfy what the Court might need. Judge Coe said the door into the Court from the meeting room will be secure. He noted that the only reason the meeting room is used is because of the unavailability of having a place for the attorneys to talk with their clients. Once again Councilman Grubham said they are not trying to say they don't want the Court safe, but they also want the other folks in the building to be safe too as part of that. He thinks if they were creative they could make that happen in that budget but they need to talk about it to see how they can make it work. Judge Coe said the grant is up to \$30,000 but it would be far-fetched to say they will get \$30,000. This is for every town and village court in New York State, of which there are about 1,600. He said they are not asking anything from the Town. They never got \$30,000 in the past and the most they ever got was when they totally redid the Court. Councilman Grubham said at that time they talked about spending \$40,000 and he thinks the Court grant was for about \$18,000. The Town went ahead without the money and found out later they weren't going to get the \$40,000 so they had to pay the difference. Councilman Diffendorf questioned why they can't include some of the other areas and put in the for entire \$30,000 since Judge Coe is only asking for \$12,500. Judge Coe said if it isn't for the Court they will not include it at all. Councilman Diffendorf questioned how Judge Coe could justify having a bulletproof door going from the meeting room to the Court when the only people that can get to it have to go through the front door from the entryway to the meeting room. He said if they can't get through the bulletproof door the Town Clerk is the next person. Dep. Supervisor Weingartner said since the rest of the Court will be protected, it would make more sense to have one of the main doors in the front be bulletproof rather than the door from the meeting room to the Court. Various options were discussed but Judge Coe said the

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Unified Court System will not do anything with the rest of the building. Councilman Diffendorf said that is not right because only certain people will be protected. Councilwoman Yonchuk said with creative grant writing and reasoning of how this meeting room and the front area of the building do involve the operation or access to the Court, it doesn't hurt to write the grant that way. She would expect to have to justify how it is related to the Court. She said if they apply for only \$12,500 and they can apply for \$30,000, they won't get anything near the \$12,500 because with grants rarely do you get what you ask for. Judge Coe said security in the courts today is a huge priority. They want the courts to be secure as they can get them. Dep. Supervisor Weingartner said he agrees 100% with that but Kirkwood is in a different situation than a lot of the other courts since they have access through the Town Hall to get to the Court. He said if they want a true situation of security it should start at the first door where you make the people in the direct path to the Court safe also. He added Judge Coe should get together with Councilman Grubham in this regard and they have until October 13<sup>th</sup> to do so. Councilwoman Yonchuk said it is important that they make the case that the rest of this building is integral to the security of the Court. Discussion continued regarding possible options. Judge Coe said that even if everything isn't done this year it is certainly something they can look at again next year. Every year the Unified Court System offers grants up to \$30,000. Judge Coe said they should keep in mind this has to be submitted on line.

**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 5, 2016, all in accordance with the abstract of claims on file in the Town Clerk's Office.

144-16  
Audit/Pay

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 6:57 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk