

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**August 7, 2018**

A regular meeting of the Kirkwood Town Board was held on August 7, 2018 at 7:25 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: Oliver Blaise III, Attorney  
Gayle Diffendorf, Town Clerk  
John A. Finch Jr., Commissioner of Public Works  
Marchie Diffendorf, Planning Bd. Chairman  
James Smith, Budget Officer  
Chad Moran, Building & Code Inspector

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

June 26, 2018 Town Board Mtg  
July 16, 2018 Special Town Board Mtg

**PUBLIC PARTICIPATION:**

Marchie Diffendorf stated that he really appreciates the roads that the Town of Kirkwood has repaired, it's excellent.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

Mr. Blaise reported that he and Mr. Smith have been doing their annual work on the water and sewer rolls and it's going along smoothly. He said since we adopted the revisions several years ago it makes it much easier to update the rolls than it did under the old system. They expect to have the letters out notifying the handful of people that are receiving increases later in the month. In September they will request a resolution scheduling a public hearing for the end of September for people to come and grieve their increase.

**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution requesting New York State Department of Transportation to reduce the speed limit on Grange Hall Road from Route 11 to the Kirkwood town line from 55 MPH to 35 MPH. Councilman Diffendorf seconded.

136-18  
Speed Limit  
Reduction  
Grange Hall

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 requesting New York State Department of Transportation to reduce the speed limit on Kutalek Road from the intersection to Cedarhurst/Sullivan/Kutalek to the Kirkwood town line from 55 MPH to 35 MPH. Councilman Grubham seconded.

137-18  
Speed Limit  
Reduction  
Kutalek

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

MOTION CARRIED.

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**August 7, 2018**

138-18  
Speed Limit  
Reduction  
Zimmer  
Councilman Grubham moved to adopt resolution requesting New York State Department of Transportation to reduce the speed limit on Zimmer Road from Trim Street to the Kirkwood town line from 45 MPH to 35 MPH. Councilman Weingartner seconded.

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

MOTION CARRIED.

139-18  
Purchase  
2002 Chevy  
Utility Truck  
For Hwy /  
Water  
Councilman Weingartner moved to adopt resolution ratifying a resolution to purchase a 2002 Chevy 3500 Utility Truck for \$12,400 from Gorick Construction, with \$8,400 charged to DA-5130-2-020 (Highway Equipment) and \$4,000 charged to WD-8340-2-020 (Water Equipment), in accordance with the attached Bill of Sale. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

140-18  
Repair water  
pump  
Councilwoman Yonchuk moved to adopt resolution authorizing the repair of a HOMA electric submersible pump by Pump Service and Supply of Troy, Inc., at a cost not to exceed \$3,525.03, which includes parts and labor, in accordance with the attached quote. Councilman Diffendorf seconded.

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

MOTION CARRIED.

141-18  
Assessment  
Rev.  
Settlement  
Clubwise  
Councilman Diffendorf moved to adopt resolution ratifying a resolution authorizing Settlement of Pending Assessment Review Proceeding Commenced by Clubwise Finance, LP, in accordance with the attached Order and Settlement Agreement. Councilman Grubham seconded.

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

MOTION CARRIED.

142-18  
Assessment  
Rev.  
Settlement  
Kirkwood  
Warehouse  
Investors  
Councilman Grubham moved to adopt resolution ratifying a resolution authorizing Settlement of Pending Assessment Review Proceeding Commenced by Kirkwood Warehouse Investment, LLC, in accordance with the attached Order and Settlement Agreement. Councilman Weingartner seconded.

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

MOTION CARRIED.

**NEW BUSINESS:**

143-18  
Grant – City  
Line Booster  
Station  
(Water)  
Councilman Weingartner moved to adopt resolution authorizing the Town Supervisor to apply for and accept, if awarded, grant funding from the New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant Program for the City Line Booster Station at an estimated project cost of \$150,000.00, in accordance with the attached resolution. Councilwoman Yonchuk seconded.

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**August 7, 2018**

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 Town Supervisor to apply for and accept, if awarded, grant funding from the New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant Program for the Highland Heights Water Tank at an estimated project cost of \$450,000.00, in accordance with the attached resolution. Councilman Diffendorf seconded.

144-18  
Grant  
Highland  
Heights  
Water Tank

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 to adopt the Inclusive, Universally Designed Initiative. Councilman Diffendorf seconded.

145-18  
Inclusive,  
Universally  
Designed  
Initiative

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:**

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 2, 2018, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Diffendorf seconded.

146-18  
Audit/Pay

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

MOTION CARRIED.

**OTHER:**

**Salt Barn.**

Councilman Grubham stated that John Finch wants to get the salt barn repaired. John Finch said the insurance company said the salt barn was damaged multiple times so they are taking \$10,000 of the repair estimate. Councilman Grubham said we have about \$24,000 to work with but he thinks it can be done for \$20,000 or less. The problem is how to approach the repair, since there is no way to know how much repair is needed until the project progresses, that this is an unusual situation. Mr. Blaise said we are looking at securing proposals, that formal bids will not be required since the total cost of the project is under the bid threshold according to the Town's procurement policy. He said the question is how to approach potential contractors because of the unknown work involved and there was an extended discussion because of this. John said decisions would have to be made as the job progressed as to what work needs to be done and how extensive the damage is, and a suggestion was made to break out the scope of the work in stages. Mr. Blaise said possibly there could be a general scope of the work involved and a site visit could be scheduled for any contractors that are interested. It was also noted that the contractor/s should be from Kirkwood. Councilman Grubham said as a contractor he wouldn't bid a job that way because he still wouldn't know what he would be doing. John questioned if there could be a time and material type of situation where we buy all the materials and the

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**August 7, 2018**

contractor does the work and Mr. Blaise said that could be an option. Councilman Diffendorf said he wants to be sure we are fair to contractors and that it's legal. John requested that the Board allow him a not to exceed amount and he will contact contractors so he can get started on this project, noting that he is not going to spend any more than he has to. Councilman Weingartner said we could say not to exceed \$20,000 and hopefully there won't be a cost overrun, but if there is we will deal with it. Supervisor Kniffen said we know we have \$24,000 so if we authorize \$20,000 and it costs more John can just come back to the Board and we will ratify it.

147-18  
Salt Barn  
Repairs

Councilwoman Yonchuk moved to adopt resolution authorizing the DPW Commissioner to obtain a contractor to make repairs to the salt barn for an amount not to exceed \$20,000. Councilman Weingartner seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to do adopt resolution to adjourn this meeting to conduct an Executive Session pursuant Section 105 paragraph f of the Public Officers Law to discuss a matter relating to the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation. Councilman Grubham seconded.

148-18  
Ex. Sess.  
Medical,  
Financial, etc.

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

MOTION CARRIED.

Following the adjournment of the Executive Session the meeting was reconvened. Councilman Weingartner moved to adopt resolution appointing Coughlin & Gerhart, LLP, as Attorneys for the Town of Kirkwood, to represent the Town as legal counsel for a matter outside the retainer defending the Town in a tax assessment litigation brought by Kaicam Development LLC at a rate of \$200.00 per hour with fees and charges to be submitted by voucher. Councilman Diffendorf seconded.

149-18  
Appoint C&G  
Assessment  
Rev - Kaicam

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. Councilwoman Yonchuk seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 8:10 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk