

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**August 3, 2021**

A regular meeting of the Kirkwood Town Board was held on August 3, 2021 at 6:10 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham  
Councilman Robert Weingartner  
Councilman William Diffendorf, Jr.  
Councilwoman Katie Legg  
Councilman Arthur Shafer

Also Present: Robert McKertich, Attorney  
Kelley Diffendorf, Town Clerk  
John A. Finch Jr., Commissioner of Public Works  
Marchie Diffendorf, Planning Board Chairman  
Jim Smith, Budget Officer

**PLEDGE OF ALLEGIANCE:** Done Prior to the Public Hearing

**APPROVAL OF MINUTES:** June 29, 2021 Town Board Meeting

**PUBLIC PARTICIPATION:**

Jim Kafura from Hiner Road asked Supervisor Grubham if he has heard anything new from the City of Binghamton regarding the FEMA project. Supervisor Grubham said Ron Lake the City of Binghamton Engineer called me a couple of months ago. The City wanted to pursue something regarding this project and asked what the Town of Kirkwood would want. I didn't think we should tell them what they should do with their road. But I did call Mrs. Nancy Dunn and she gathered up the residents on Hiner Road and they all discussed what they would like to see done. They wanted the 2 to 3 culverts that were undersized fixed and brought up to a 50 year flood standard. I gave that information to Ron Lake and I also told him that the Town of Kirkwood would not be involved in this project, it is up to the City to take care of it. I also made it clear that Kirkwood would not take on the maintenance of that road. We currently plow the road and will continue to do so. I sent Ron Lake a letter to that affect. I haven't heard back one way or the other. I believe the City still has that FEMA money and they wanted to use it up there. Mr. Kafura commented that they only have that FEMA money for a couple more months. Supervisor Grubham said if they tell FEMA their plan they should hold the money for them. From what I understand the City did take care of some of the culverts up there, Mr. Kafura said they did. Mr. Kafura asked Supervisor Grubham if he could reach out to the City of Binghamton because they won't talk to the Kirkwood residents and he hasn't heard of any Binghamton residents getting through either. Supervisor Grubham said I will call them and see what I can find out. Mr. Kafura thanked Supervisor Grubham.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

**Dog Control Report.**

Councilwoman Legg reported numbers from the July Dog Control Report. A copy is filed in the Town Clerk's office.

**City Line Booster Station.**

John Finch said this coming Thursday at 8 AM we are going to be firing up the City Line Booster Station. It will be a test run to make sure everything works ok. I checked with the City of Binghamton but they don't seem interested in being there. The water is on and ready to go, it's been bled off. We will let you know at the next meeting how everything went.

**Highway Garage Flooded.**

John Finch said the Highway Garage was flooded twice in July. I had 2 inches of water the first time and 3 inches the second time in my office. I had ServPro come out and do the cleaning, we haven't gotten a bill from them yet. They are having an issue with their accounting department but they will be getting the bills out to us shortly. Supervisor Grubham said it's going to be about \$35,000 for flood cleanup and we need to get those

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bills before we can determine how much the insurance company will cover. John Finch responded to Councilman Shafer saying this is the third claim since 2018.

Councilman Shafer said I'm trying to find out about money that was allegedly offered to the Town of Kirkwood in 2011 from FEMA and the Town didn't accept that payment. It was for the Town Highway Garage. I also would like to know how much the Town has paid out in flood expenses from 2006 to present time. I'd like to know what the dollar amount we received from FEMA and the insurance company during that time. Lastly, I want to know your inventory value of the entire operation; building, equipment, records, trucks, anything that pertains to that building. I'm concerned we are on the verge of another flood like we had in 2006 and 2011. The earth is so saturated it can't take anymore. We need a dry out period and if that doesn't happen we are in serious trouble. That would cost us a lot and the tax payer isn't being taken care of. I want to take a look at those figures and try to decide what we should do next.

Supervisor Grubham responded to Councilman Shafer's comments by saying I have already been working on it. We did complete the drainage project but that isn't for what is happening now. We drain around 50 acres from the hill and if you drop an inch of rain on that it is about 500,000 gallons of water. We are getting more rain than that so it could be as much as a million gallons of water. We are trying to dump all of that into a 12 inch pipe and then have it go down through another pipe that is already draining this entire area. It's too much water for the size of the pipes we have. I'm putting a proposal together now to catch the water coming off the side of the hill and run a couple different pipes to the creek. I'm thinking it will cost around \$20,000 - \$25,000. That would solve these recent kinds of rain right now. What we had done recently with the drainage project was not designed to catch all the water coming off the hill.

Councilman Shafer said I'm worried about another 2006 or 2011 flood. I heard the Town bought the property up on the hill to build a new highway garage. I'm wondering why the Town didn't do that. Supervisor Grubham said because it would have cost \$3,000,000. Councilman Shafer said I have been misled by people that say it doesn't cost that much. Supervisor Grubham said the building that we wanted to build was already built up in the Syracuse area and it cost \$3,000,000 and that was several years ago. That same building now could cost \$4,000,000 or more now. Granted everyone would love a nice new building but it costs a lot of money. The FEMA money we received after the floods paid for any damages we had in lost equipment. Councilman Shafer said I would like to see the engineering report that was done on this. I don't want to see the highway garage flooded like it was back then. We can do many band aid programs but we don't alleviate the problem for the future. It's our responsibility to take care of the future.

Supervisor Grubham said I'll have a proposal put together before the next meeting for the problems we have been having recently and see if the Board is agreeable. That would solve the problem we have right now.

**Sales Tax Report.**

Supervisor Grubham said the Sales Tax Report came in for the first half of the year. Our sales tax money looks good. We could be better than ok but we still have 6 months to go.

**Rescue Funds/Stimulus Money.**

Supervisor Grubham explained the Rescue Fund money we were expecting from the government turned out to be less than half of what we were expecting. I emailed and talked to the Budget Officer in Albany and I was sent the information. There is a formula and it works out to be about \$102 per person in Kirkwood. That is why we don't spend the money before we get it because sometimes you don't get it.

**DASNY Grant.**

Supervisor Grubham said everything has been sent in on the \$400,000 from the DASNY (Dormitory Authority of the State of New York) grant. I haven't heard anything back, nor do we have the money yet. So again, until we actually have the money then we will discuss how we are going to handle that. But as far as I know, after talking to the lady in charge, we have everything in and they are just waiting to let us know.

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**OLD BUSINESS:**

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting the Full Environmental Assessment Form regarding Local Law No. 2-2021 entitled “A Local Law Adopted Pursuant to Cannabis Law § 131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments”, in accordance with the attached Full EAF. Councilman Shafer seconded.

102:21  
EAF for LL#2  
Opting Out of  
Cannabis Sales

**Discussion.** Supervisor Grubham said we need to go through the EAF. Everyone has a copy. Mr. McKertich offered to read the EAF and explained that this is the full Environmental Assessment form regarding the adoption of the above named law. Mr. McKertich went through each section of the EAF with the Board with no objections. A copy of the EAF is on file in the Town Clerk’s office.

Roll Call Vote:        Councilman Diffendorf        - yes  
                             Councilman Shafer                - yes  
                             Councilwoman Legg               - yes  
                             Councilman Weingartner       - yes  
                             Supervisor Grubham              - yes

MOTION CARRIED.

Councilman Shafer moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2021 entitled “A Local Law Adopted Pursuant to Cannabis Law § 131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments”, in accordance with the attached resolution. Councilwoman Legg seconded.

103:21  
Adopt LL#2  
Opting Out of  
Cannabis Sales

Roll Call Vote:        Councilman Diffendorf        - yes  
                             Councilman Shafer                - yes  
                             Councilwoman Legg               - yes  
                             Councilman Weingartner       - yes  
                             Supervisor Grubham              - yes

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution appointing Karen Ferguson as Town Historian PT, effective August 4, 2021 at a rate of pay of \$ 3,079.00 per year prorated for the remainder of 2021. Councilman Weingartner seconded.

104:21  
Appoint  
K.Ferguson  
Town Historian

Roll Call Vote:        Councilman Diffendorf        - yes  
                             Councilman Shafer                - yes  
                             Councilwoman Legg               - yes  
                             Councilman Weingartner       - yes  
                             Supervisor Grubham              - yes

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to enter into an agreement with the Broome County Land Bank Corporation regarding the demolition of 179 Main Street in the Town of Kirkwood, in accordance with the attached agreement. Councilman Diffendorf seconded.

105:21  
Agreement w/  
Broome Co  
Land Bank  
Demo – 179  
Main St.

Roll Call Vote:        Councilman Diffendorf        - yes  
                             Councilman Shafer                - yes  
                             Councilwoman Legg               - yes  
                             Councilman Weingartner       - yes  
                             Supervisor Grubham              - yes

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution rejecting all Sealed Bids received for the Concrete Foundation for the Salt Barn project and authorizing re-advertising for Sealed Bids, returnable to the Town Clerk’s Office on Thursday, August 26, 2021 at 12 noon, and to be publicly opened and read at that time. Councilman Shafer seconded.

106:21  
Rejecting Bids  
for Salt Barn  
Foundation

Roll Call Vote:        Councilman Diffendorf        - yes  
                             Councilman Shafer                - yes  
                             Councilwoman Legg               - yes  
                             Councilman Weingartner       - yes  
                             Supervisor Grubham              - yes

MOTION CARRIED.

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107:21  
Sched PH  
Amend LL  
Sewer Rents

Councilman Shafer moved to adopt resolution scheduling a Public Hearing for September 7, 2021 at 6:00 PM regarding amending the Sewer Rents Local Law. Councilwoman Legg seconded.

Roll Call Vote:      Councilman Diffendorf      - yes  
                         Councilman Shafer                      - yes  
                         Councilwoman Legg                      - yes  
                         Councilman Weingartner               - yes  
                         Supervisor Grubham                      - yes

MOTION CARRIED.

108:21  
Hire  
A.Ellsworth  
Temp Laborer  
W&S

Councilwoman Legg moved to adopt resolution hiring Aidan Ellsworth as Laborer to work in the Water & Sewer Department effective August 4, 2021 until September 30, 2021 at a rate of pay of \$12.82 per hour. Councilman Weingartner seconded.

Roll Call Vote:      Councilman Diffendorf      - yes  
                         Councilman Shafer                      - yes  
                         Councilwoman Legg                      - yes  
                         Councilman Weingartner               - yes  
                         Supervisor Grubham                      - yes

MOTION CARRIED.

**AUDIT AND PAYMENT OF CLAIMS:**

109:21  
Audit/Pay

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 # 21-000890 through # 21-001038 in the total amount of \$ 598,872.80, which includes prepaid claims as authorized by resolution adopted January 5, 2021. Councilman Diffendorf seconded.

Roll Call Vote:      Councilman Diffendorf      - yes  
                         Councilman Shafer                      - yes  
                         Councilwoman Legg                      - yes  
                         Councilman Weingartner               - yes  
                         Supervisor Grubham                      - yes

MOTION CARRIED.

**OTHER:**

110:21  
Exec Session

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to Section 105 paragraph d of the Public Officers Law to discuss proposed, pending, or current litigation. Councilman Shafer seconded.

Roll Call Vote:      Councilman Diffendorf      - yes  
                         Councilman Shafer                      - yes  
                         Councilwoman Legg                      - yes  
                         Councilman Weingartner               - yes  
                         Supervisor Grubham                      - yes

MOTION CARRIED.

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 7:30 PM

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk