

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 30, 2015

A regular meeting of the Kirkwood Town Board was held on June 30, 2015 at 7:30 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: Herbert Kline, Town Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, DPW Commissioner
John Finch Jr., Chief Water Treatment Plant Operator
Marchie Diffendorf, Planning Bd. Chairman
Bill Graves, Assistant to Town Attorney

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: June 2, 2015 Town Board Meeting

PUBLIC PARTICIPATION: None.

COMMUNICATIONS:

Letter from Broome County Firefighters' Association, Inc.
Liquor License Application Notice from Andrew Holbert, Blue Collar Sports Bar
Resignation from Jacqueline A. Cooper

COMMITTEE REPORTS:

Ray Coolbaugh announced that Scout Troop 83 did some work at Veterans River Park and Grange Hall Road Park. They built 4 benches and set them outside the tennis court on both sides at Veterans River Park. They fixed picnic tables and planted 2 trees at Grange Hall Park. The Town provided the materials and the boys did all the work on a Saturday. He thanked them for doing such a nice job.

Supervisor Kniffen reported regarding the contract with the joint sewage facility. The owners, Binghamton and Johnson City, have requested the return of \$4 million of the \$14 million unused budgeted funds and they also want to know how the other \$10 million will be used. When the \$4 million is returned it includes the outside users, which includes Kirkwood. This amounts to over \$270,000 with the option of having a credit or taking a check. Will Jim Smith's input, they decided to take the check. He noted that amount is about what the Town pays a quarter. The Town recently lowered the sewer rent so this will help maintain that as well.

Supervisor Kniffen reported some time ago it was brought to his attention that Conklin's Code Officer puts out information about what their residents should be aware of as far as keeping within the codes. In conferring with Kirkwood's Code Officer, he agreed with this and added one thing. Supervisor Kniffen suggests Kirkwood do the same thing and will provide the information to Board members for future discussion.

Supervisor Kniffen provided copies of two letters addressed to Clements and Mirabito from Mark Wiser, putting them on notice in regard to an issue of water damage which they feel is a result of what these two businesses have done. The Town has been copied on this but has not been put on notice in regard to this issue. Supervisor Kniffen noted that there is an on-going project to get the project diverted by the motel to the other side of Route 11. It's all been designed by DOT and they are just waiting for funding. That should take care of a lot of water problems in that area.

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OLD BUSINESS:

92-15
Adopt EAF
LL #4
Amend
Water Rates
Ordinance

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No 4-2015 entitled “A Local Law Amending an Ordinance Establishing Water Rates and Connection Charges for Water Districts of the Town of Kirkwood, New York”, in accordance with the attached Short EAF. Councilman Diffendorf seconded.

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

MOTION CARRIED.

93-15
Adopt LL#4
Amend
Water Rates
Ordinance

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 4-2015 entitled “A Local Law Amending an Ordinance Establishing Water Rates and Connection Charges for Water Districts of the Town of Kirkwood, New York”, in accordance with the attached resolution. Councilman Grubham seconded.

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

MOTION CARRIED.

94-15
Agreement
Highway
Monies

Councilman Grubham moved to adopt resolution authorizing Highway Superintendent to enter into an agreement with the Town Board regarding Expenditure of Highway Moneys, in accordance with the attached agreement. Councilman Weingartner seconded.

Discussion: Councilman Diffendorf clarified that the distance for paving on Campbell should be .09 instead of .9.

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

MOTION CARRIED.

95-15
Issue Trailer
Park License
Rt. 11

Councilman Weingartner moved to adopt resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue license for the following mobile home – trailer park, such license is for years 2013 and 2014:

Southern Tier Communities: 1794 US Route 11, Kirkwood, NY 13795

Owner: Southern Tier Communities

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

96-15
Approve
Retirement
Work Day
Radicchi

Councilwoman Yonchuk moved to adopt resolution Approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for Christina Radicchi, Recreation Supervisor, 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

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MOTION CARRIED.

97-15
C. Hoyt
Laborer
Parks
Dept.

Councilman Diffendorf moved to adopt resolution appointing Colt Hoyt as Laborer to work in the Parks Department effective July 1, 2015 and ending September 2, 2015 at a rate of pay of \$10.64 per hour. Councilman Grubham seconded.

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

MOTION CARRIED.

98-15
Agrmnt
E. Campbell
Summer Fun

Councilman Grubham moved to adopt resolution to enter into an agreement with Elliott Campbell as an Independent Contractor to conduct a Summer Fun Program for the Town, 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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

99-15
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, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 6, 2015, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

NEW BUSINESS:

100-15
Honor
Scout Troop
Park work

Councilman Weingartner moved to adopt resolution recognizing the diligent efforts of Scout Troop 83 under the leadership of Scout Master Les Arsenault in making certain improvements to Kirkwood parks. Such scouts being: Kent Batman, Tyler Miller, Andrew Burlingame, Bill Miller, Nick Miller, Clark Fuller, Jake Hawley, Jacob Edgington, Jack Lamantia, Teddy Storti, Douglas Osgood, Grace Laraglia, Alex Bange and Shyanne Dayl. Councilman Grubham seconded.

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

MOTION CARRIED.

101-15
Fire Co
Movie
Waive Permit
Fee

Councilwoman Yonchuk moved to adopt resolution pursuant to section 3A(e) of Local Law No. 2-1976 entitled "A Local Law Regulating the Use of Parks of the Town of Kirkwood", authorizing the Town Clerk to issue a permit to the Kirkwood Fire Company for the display of a movie with no admission charge on August 1, 2015 without any permit fee to guarantee proper clean up. Councilman Weingartner seconded.

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

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Councilwoman Yonchuk - yes
Councilman Diffendorf - yes
Supervisor Kniffen - yes

MOTION CARRIED.

In regard to a discussion of Industrial Development Property, Supervisor Kniffen requested advice from the Town Attorney in a closed meeting and in doing so he asserted the attorney-client privilege pursuant to section 108 of the Public Officers Law of the State of New York regarding any matter made confidential by section 4503 of the New York Civil Practice Law and Rules.

ADJOURNMENT:

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

Meeting adjourned at 7:55 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk