

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 27, 2017

A regular meeting of the Kirkwood Town Board was held on June 27, 2017 at 7:07 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: Brady Begeal, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch, Jr. DPW Commissioner
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman
Jessica Kinney, Deputy Town Clerk

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

June 6, 2017 Town Board Meeting

PUBLIC PARTICIPATION:

Roy Tondeur of Kirkwood Avenue addressed the Board stating that at the last meeting Judges Hawkes and Coe spent quite a bit of time singing the praises of the Kirkwood Court and if the meeting had finished when they finished their presentation he would have left thinking it was a great asset financially to the Kirkwood taxpayers. He said fortunately the Board asked and answered questions and he then found out that not only is it not a great asset financially, it costs the Kirkwood taxpayers over \$40,000 a year to have the court here. He said what surprises and concerns him about that is these two judges are smart guys and they couldn't help but know they were misleading someone like him when they were talking about the court. It bothers him that two judges who are in a position of judging other people would give the impression that they were being accepted. As an example, he said if he went into their court and mislead one of them the way they mislead him, he questioned what they would do to him. Councilman Weingartner questioned how Mr. Tondeur thought they mislead him. Mr. Tondeur said in all their presentation they never mentioned that the court was costing the taxpayers money, but gave the impression that it was a big winner for the taxpayers. He questioned if anyone disagrees with that. Councilman Weingartner and Councilwoman Yonchuk said they disagree. Councilman Weingartner said it is a duty of society to have a court, it is one of the duties of our democracy, it's just the way it is. Mr. Tondeur questioned if the judges don't have an obligation to say that this is costing the taxpayers money. Councilman Weingartner said at one time, with the way the State Police had things set up and tickets were being written, the Town was making huge revenues. He said things aren't as good as they used to be but it is an obligation of a town to have a town court. Councilwoman Yonchuk said she doesn't think they mislead because they talked about how they are getting less tickets assigned to this court, that the State Police are busier in other areas than they once were in Kirkwood. Mr. Tondeur said he agrees that they said that but if the meeting had stopped when Coe stopped speaking, he would have left here thinking it was a winner court. Supervisor Kniffen said there was a time when we actually had surplus monies coming in because of the courts and times have changed and as he has said a number of times one of the biggest reasons is that there is no weigh station in Kirkwood anymore and trucks bring in a lot bigger fines in dollars than the average passenger vehicle, and also they are ticketing up on Front Street. He said besides those things NYS is taking more and more money and in fairness to the judges he doesn't think they've actually done the math on this. Supervisor Kniffen questioned Mr. Tondeur in coming here as a citizen, if he is saying he walked away with the impression that we were making money and doing a good job. Mr. Tondeur said from what Coe said if anyone had asked him he would have said we are making a fortune out of the court. Supervisor Kniffen said we've never made a fortune. He said when someone gets elected as a judge they go to school but in addition to that both judges have a good background to make them even a better judge to do their job.

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Mr. Tondeur said he is not disputing their qualifications but he is stating the impression he got. Councilman Weingartner said they were here to sell to the Board that their clerks aren't being paid enough and that's what a good salesman is going to do. Councilman Diffendorf said he has sat out in audiences before and there is a difference, because this Board has an understanding of what's going on because we have figures and we know but Roy, who attends a lot of meetings, could certainly misunderstand the way they presented it. Councilwoman Yonchuk said Roy has been at a lot of meetings and this isn't the first time the Board has talked about the revenues of the courts being down, they've talked about it over the past several years at public meeting and hearings. Mr. Tondeur said he has probably attended more meetings than Councilwoman Yonchuk and never in all the time he's attended has anyone ever said that the courts were costing the taxpayers money.

Mr. Tondeur said he would like to deal with what Coe was asking for, saying that Coe has a problem with two court clerks, with one being envious of the other because she doesn't make the same money. He said it's his feeling that whether it's a modest increase or a major increase and it didn't come up to the price of the other clerk she would still be upset. He said if it was him, as an employer, he'd advertise the job for what they were prepared to pay for it.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Councilman Diffendorf reported that NYSEG is now repairing the street lights and they should be all up and working by tomorrow night.

Councilman Grubham questioned the status of the well situation. John Finch said they are expecting the new pump soon and depending on when it arrives it should be put in early next week, Wednesday at the latest. He said according to the insurance company we can't file a claim for negligence or problems with the pump so he is going back to the original installer for possible reimbursement. He added it must be a problem with the manufacture or installation of the 2 ½ year old pump. In regard to the Court Street pump station, John said that the pumps have been inspected and they look to be good but the motors are the issue. They will be tested to see if they're bad and if they are he will be getting prices for new ones. The cost should be quite a bit less than the estimate of \$25,000. John said they will proceed with this as soon as possible to get it back on line.

OLD BUSINESS:

113-17
Support
Multi-Phase
Highway
Project

Councilwoman Yonchuk moved to adopt resolution in Support of a Multi-Phase Highway Repair and Replacement Project, in accordance with the attached resolution. Councilman Diffendorf seconded. Supervisor Kniffen read the resolution.

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

MOTION CARRIED.

114-17
Increase
B. Kinney
Pay – Class C
Certification

Councilman Diffendorf moved to adopt resolution increasing Brian Kinney's hourly rate by \$.39 per hour for the remainder of 2017 in accordance with the Policy Regarding Salary Increases for Advanced Training or Certification. Councilman Grubham seconded.

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

MOTION CARRIED.

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Councilman Grubham moved to adopt resolution authorizing hiring David Copeland as Laborer to work in the Parks Department effective July 5, 2017 for 90 days at a rate of pay of \$12.82 per hour. Councilman Weingartner seconded.

115-17
Hire
D. Copeland
Parks Laborer

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution pursuant to section 3A(e) of Local Law No. 2-1979 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 July 22, 2017 without any permit fee to guarantee proper clean up. Councilwoman Yonchuk seconded.

116-17
Issue Movie
Night Permit
Kirkwood
Fire Co.

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 3, 2017, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Diffendorf seconded.

117-17
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 Diffendorf seconded.

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

MOTION CARRIED.

Meeting adjourned at 7:26 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk