

**TOWN OF KIRKWOOD
TOWN BOARD ORGANIZATIONAL MEETING**

January 2, 2019

An organizational meeting of the Kirkwood Town Board was held on January 2, 2019 at 6:00 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.

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

December 26, 2018 Special Town Board Meeting and (1) Public Hearing

PUBLIC PARTICIPATION: None.

COMMUNICATIONS:

Letters of Re-Appointment for Clerks to Justices Full Time and Clerk Part Time
Resignation letter from Katie Legg as Town Historian
Letter declining seat on Town Council from Jason Griffin

Discussion – Jason Griffin’s Decision – Town Council seat.

Supervisor Kniffen said we’ve know about this for some time and for obvious reasons we kept it quiet because Jason could have changed his mind and secondly he couldn’t resign until he was actually in the position, which was yesterday. Jason is not ill, this is a personal family situation. When he weighed this against being on the Board and what it consisted of, his family comes first and that’s why he came to this decision. Jason wanted me to express his sincere apologies to the Town Board and for those people who supported him and elected him. Jason certainly loves Kirkwood and is currently a Zoning Board of Appeals Ad Hoc member, a member of the Board of Assessment Review, involved with the Lions Club, coaches our kids in youth activities in Kirkwood, and involved in Hometown Christmas. His dad was Supervisor for 25 years and his mom is involved in many committees. This was difficult for him and difficult for us to see what he was going through with his family.

There will be an election in November for the remainder of the term of this office, which is four years. In the meantime the Board has a couple of options. We can elect to stay with a four-person Board, which there are obvious problems with or we can appoint someone. We have recently adopted a hiring policy which states that if there is an employment position opening the position has to be advertised for. We have to decide whether this situation fits that policy. If it does we would have to advertise, and if it doesn’t and the Board decides to go with a five-person Board then we would have to go into Executive Session to discuss who we might want to consider. See related discussion later in the meeting.

COMMITTEE REPORTS: None.

OLD BUSINESS:

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to enter into an agreement with Roger Studer d/b/a Studer’s Body Shop & Garage, in accordance with the attached agreement. Councilman Grubham seconded.

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

MOTION CARRIED.

1-19
Towing
Agreement -
Studer

**TOWN OF KIRKWOOD
TOWN BOARD ORGANIZATIONAL MEETING**

January 2, 2019

2-19
Zoo
Agreement
Councilman Grubham moved to adopt resolution authorizing Supervisor to enter into an agreement with Southern Tier Zoological Society, Inc., in accordance with the attached agreement. Councilman Weingartner seconded.

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

MOTION CARRIED.

3-19
Kirkwood
Fire Co.
Membership
Roster
Councilman Weingartner moved to adopt resolution pursuant to Not-For-Profit Corporation Law Section 1402 (c) (3) approving the Membership Roster for Kirkwood Fire Company, with the understanding that the members so approved will be assigned for which they have been qualified, in accordance with the attached roster. Councilman Diffendorf seconded.

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

MOTION CARRIED.

4-19
Appoint
E. Potter
Historian
Councilman Diffendorf moved to adopt resolution appointing Erin Potter as Town Historian, PT effective January 1, 2019 at a salary of \$3,079. Councilman Grubham seconded.

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

MOTION CARRIED.

5-19
Amend
Benefit Plan
Councilman Grubham moved to adopt resolution amending the Town of Kirkwood Benefit Plan, effective January 1, 2019, in accordance with the attached plan. Councilman Weingartner seconded.

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

MOTION CARRIED.

Discussion – Salt Barn Grant.

Supervisor Kniffen stated this is a high priority and although we got \$91,000 in grant money for the drainage issue, which is 50 percent of the cost of the project, we didn't get any for the salt barn. The grant writer said we can submit again for the salt barn even if the drainage project is completed since drainage doesn't change the reason we put in for it the first time. We were also talking about putting it on higher ground on the property the Board purchased some time ago with the thought that someday we might relocate the town garage, which is about a \$3 million project. When we asked the grant writer about a new garage we were told the only chance we could have is if we were to share it with another municipality. We've also asked FEMA every time there's been a flood and they've turned us down. We will be addressing that again with the latest flood. We also will ask the grant writer if there is the possibility of a combination with a grant and FEMA. The other issue is to get a direct route to that land but there are two pieces of property with issues that we have to deal with.

NEW BUSINESS:

6-19
Appoint
Press Official
Newspaper
Courier
Supplemental
Councilman Weingartner moved to adopt resolution appointing the Press & Sun-Bulletin as the official newspaper for 2019 and designating The Country Courier, pursuant to Town Law Section 64 (11), as a supplemental newspaper for publication of all legal notices of the Town for 2019, and requiring the applicant on a zoning matter or an environmental matter to pay the cost of such publication in the official newspaper of the Town, and the Town to pay the cost of such publication in the supplemental newspaper. Councilman Diffendorf seconded.

**TOWN OF KIRKWOOD
TOWN BOARD ORGANIZATIONAL MEETING**

January 2, 2019

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution naming M & T Bank as the depository for town funds for the Supervisor for 2019. Councilman Grubham seconded.

7-19
M&T
Depository
Town Funds

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution appointing the Supervisor as Service Officer for 2019. Councilman Weingartner seconded.

8-19
Appoint
Supervisor
Service
Officer

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to invest general funds, special district funds and highway moneys not obligated or required for immediate expenditure in United States treasury bills, savings accounts, time deposit or time certificates of deposit through Charter One, Manufacturers & Traders Trust Company, Tioga State Bank, Chemung Canal Trust Company, NBT Bank, and First Niagara Bank; said investments to be payable or redeemable at the option of the Supervisor within such times as the proceeds may be needed to meet expenditures for which the moneys were provided, all pursuant to the provisions of the Investment Policy for the Town of Kirkwood adopted July 3, 1993. Councilman Diffendorf seconded.

9-19
Supervisor
Invest Funds

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution establishing reimbursement of expenditures incurred in 2019 as follows:

Mileage reimbursement at current Federal Government rate for job related travel;
Attendance at job related meetings not to exceed \$20 per meeting (other than New York City);

10-19
Mileage &
Expense
Reimburse.

Attendance at job related meetings in New York City at \$88 per day for meals only.

Councilman Grubham seconded.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution designating the following Tuesdays of each month as Town Board meeting nights to be held at 6:00 PM at the Joseph A. Griffin Town Hall:

11-19
Mtg Nights
Designation

First Tuesday - Regular Town Board Meeting

Last Tuesday - Work Session

Councilman Weingartner seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD ORGANIZATIONAL MEETING**

January 2, 2019

12-19
Voucher
Submittal

Councilman Weingartner moved to adopt resolution requiring all itemized vouchers to be submitted to the Town Clerk's office before noon of the Friday prior to the last Tuesday of each month, and vouchers for reimbursement of medical and optical expenses to be submitted to the Town Clerk's office before noon of the Thursday prior to the last Tuesday of each month to qualify for audit and payment at the next regular Town Board meeting. Councilman Diffendorf seconded.

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

MOTION CARRIED.

13-19
DPW Pay
Rates

Councilman Diffendorf moved to adopt resolution establishing hourly rates of pay for Public Works personnel for 2019, pursuant to Collective Bargaining Agreement with Teamsters 317 effective January 1, 2018 and with rate sheet from DPW Commissioner for all non-union employees of the DPW. Councilman Grubham seconded.

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

MOTION CARRIED.

14-19
Independ.
Contractors
Pay Rates

Councilman Grubham moved to adopt resolution establishing hourly rates of pay for independent contractors and Board of Assessment Review, in accordance with the attached resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

15-19
Salaries
Elected &
Appointed
Officials

Councilman Weingartner moved to adopt resolution establishing salaries for all elected and appointed officials and employees as set forth in the 2019 budget. Councilman Diffendorf seconded.

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

MOTION CARRIED.

16-19
Appoint
Various
Positions

Councilman Diffendorf moved to adopt resolution appointing the following persons to the designated positions for 2019, in accordance with the resolution. Councilman Grubham seconded.

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

MOTION CARRIED.

17-19
Annual
Report Due

Councilman Grubham moved to adopt resolution authorizing Supervisor to submit to the Town Clerk by March 31, 2019, a copy of his Annual Report to the State Comptroller and directing the Town Clerk to cause a notice to be published within ten (10) days after receipt of said report in the official newspaper and supplemental newspaper of the town that a copy of such report is on file and available for inspection in Town Clerk's office. Councilman Weingartner seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD ORGANIZATIONAL MEETING**

January 2, 2019

Councilman Weingartner moved to adopt resolution authorizing the payment of utility bills, town real property tax bills and postage prior to audit pursuant to Town Law Section 118 (2). Councilman Diffendorf seconded.

18-19
Prepay Utility
and Property
Tax Bills

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution reaffirming and re-adopting resolutions establishing Cash Management Policies/Procedures adopted June 5, 1990 and the Procurement Policy adopted December 6, 1994 and revised December 3, 2013 and the Investment Policy adopted July 3, 1993. Councilman Grubham seconded.

19-19
Cash
Management,
Procurement,
Investment
Policies

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing the Commissioner of Public Works to purchase equipment and tools not to exceed a total of \$2,000.00 per year without prior Town Board approval, providing such purchases are consistent with a resolution adopting a Procurement Policy enacted December 6, 1994 by Kirkwood Town Board and reviewed and reaffirmed herewith. Councilman Weingartner seconded.

20-19
DPW
Equipment
Purchases

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution pursuant to Section 123 of the Town Law engaging Budget Officer James R. Smith, CPA to make an annual audit of the books and records of each person who as a town officer or employee received or disbursed any moneys in calendar year 2018. In addition, the Budget Officer is authorized to engage an independent CPA firm to make an annual audit of each Town Justice for the calendar year 2018 including the criminal and civil dockets to determine that the fines and fees shown thereon have been collected and were turned over to the proper officials as required by law. The target completion date for the internal and external annual audits described here-in is May 31, 2019. If an external town wide audit should be required due to the Federal disaster assistance related to the 2018 flooding, the Justice Court audit portion may be included with those services if permitted by Law. Councilman Diffendorf seconded.

21-19
J. Smith
Budget
Officer
Audit Books

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution reappointing John Mastronardi of Griffiths Engineering as the Stormwater Management Officer for the year 2019. Councilman Grubham seconded.

22-19
Reappoint
Mastronardi
Stormwater
Management
Officer

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution appointing William Diffendorf as Safety Officer for the year 2019 at an annual salary of \$1500. Councilman Weingartner seconded.

23-19
Appoint W.
Diffendorf
Safety Officer

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

**TOWN OF KIRKWOOD
TOWN BOARD ORGANIZATIONAL MEETING**

January 2, 2019

Councilman Diffendorf - abstain
Supervisor Kniffen - yes

MOTION CARRIED.

24-19
Reappoint
J. Griffin
ZBA Ad Hoc

Councilman Weingartner moved to adopt resolution reappointing Jason Griffin as Temporary Ad Hoc Member of the Zoning Board of Appeals, pursuant to Local Law No. 11-1986; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. Councilman Diffendorf seconded.

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

MOTION CARRIED.

25-19
Reappoint
P. Maciak
Temp Ad
Hoc, Pl. Bd.

Councilman Diffendorf moved to adopt resolution reappointing Peter M. Maciak as Temporary Ad Hoc Member of the Planning Board, pursuant to Local Law No. 11-1986; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. Councilman Grubham seconded.

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

MOTION CARRIED.

Discussion – Truck 37.

Mr. Finch stated we put four trucks on Auctions International and decided to list truck #37, which is the 2017 Silverado I drive, to see what we would get for that after two years. It has a little over 25,000 miles on it and we paid \$31,600 for it in 2017. The lowest quote for a 2019 is from Cappellino Chevrolet at \$29,737. Matthews gave me a price of \$27,000 to buy the truck outright, which does not include the toolbox or the plow frame underneath and the wiring. A new plow frame would cost \$2,065. If we were to sell this truck and buy a new one I could transfer that plow frame to the new one and Trux Outfitters would install it for \$500. We have six more days left on the auction site for the 2017 Silverado and right now it's at \$25,600 and I know it will get quite a bit higher. Councilman Grubham said for the worst case scenario we'd be spending \$3,200 for a new truck. Mr. Finch said a lot of other towns do this on the auction site; they keep a truck for a couple of years and then sell them. Also with the way NYS is now doing the bidding process on these trucks, usually we'd just get the State price but now they have what is called the NYS Marketplace and they put this truck out to bid so any dealership that is authorized to put state bids in can do so. It's three different bids for the same exact truck and there was an \$800 difference between the three bidders. The plow frame is included on the auction site so I wouldn't go any less than \$29,000 or \$30,000. We could be under \$2,000 for a brand new truck. Supervisor Kniffen said it sounds like a good deal. Mr. Finch said it's not as easy to do with other vehicles because they're used more but I am also going to try doing this with one of the 550s. I won't do anything with this truck until the auction is over and will notify the Board of the final price. Mr. Finch said if the Board is fine with at least \$27,000, that's good but I won't settle for that. I would like to get authorization by resolution to do this because it takes about 10 weeks to build a new truck. Councilman Grubham said if we use the numbers that were just given to us I am OK with this to get something better. Mr. Finch said if we do go with Matthews the price of the frame will come out of the snow budget.

26-19
Purchase
2019 Truck,
Sale of 2017
Truck

Councilman Diffendorf moved to adopt resolution authorizing purchase of a 2019 Silverado 2500 double cab 4x4 at a cost of \$29,737.92 to replace truck #37, 2017 Silverado 2500 double cab 4x4, which will be sold for no less than \$27,000.00. Councilman Grubham seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD ORGANIZATIONAL MEETING**

January 2, 2019

Discussion – Movie Night in the Town Garage.

Mr. Finch said Katie Legg is looking into having a movie night in the town garage in mid-January or February to bring the community together during the winter. She has a movie projector and inflatable screen. Councilman Diffendorf said it sounds like a good idea but I would think it would be held at the Bell School auditorium. Councilman Weingartner said I think the garage has too much stuff and it would be better at the Bell School gymnasium which has a cafeteria right next to it. There would be a lot of liability involved. Councilman Grubham said he would be more concerned about the insurance problem. Councilman Weingartner said Halloween and Christmas events are held in the garage but that’s more of an in and out type of thing. Mr. Finch will relay this information to Katie.

Discussion - Vacant Council Seat.

Supervisor Kniffen stated we need to decide if the Board wants to continue on with four members, and said I don’t. Councilman Diffendorf said I would go to five members because it’s the only way to break a tie. Councilman Weingartner said there are circumstances that could merit each and it’s not black and white but after some discussion said he would go with five. Councilman Grubham said I am fine with five also.

Supervisor Kniffen questioned if the Board feels the Town’s hiring policy applies here. Mr. Blaise said it wasn’t drafted with the Town Board in mind. It deals with employees, with the exception of Zoning Board and Planning Board members, and doesn’t specifically address elected positions. Councilman Grubham said we’re not hiring someone for this position we’re selecting someone. In regard to other jobs we have to go to the County where there are specific requirements, so would that be the case here. Mr. Blaise said that’s only for interviews with candidates for employment with the Town, this is not an employment position, it’s an elected position. It would be perfectly sound if you decide that it doesn’t apply since this is an elected position. Supervisor Kniffen suggested the policy be amended to state that elected positions are not included.

Councilman Diffendorf moved to adopt resolution to amend the “Policy for Advertising Positions of Employment with the Town of Kirkwood” to include “and except all elected positions”. Councilman Grubham seconded.

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

27-19
Amend
Policy to
Advertise for
Employment

MOTION CARRIED.

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 #19001920 through #19001963 in the total amount of \$204,589.55, which includes prepaid claims as authorized by resolution adopted this date. Councilman Weingartner seconded.

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

28-19
Audit/Pay

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to 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.

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

29-19
Exec. Sess.
Personnel
Matter

**TOWN OF KIRKWOOD
TOWN BOARD ORGANIZATIONAL MEETING**

January 2, 2019

Supervisor Kniffen - yes

MOTION CARRIED.

Following the Executive Session, the Organizational Meeting was reconvened at 6:55 PM.

30-19
Appoint
L. Yonchuk
Board
Member

Councilman Weingartner moved to adopt resolution appointing Linda Yonchuk as Town Board member effective January 3, 2019 for a term to expire December 31, 2019.

Councilman Grubham seconded. All voted in favor.

MOTION CARRIED.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 6:57 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk