

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**February 4, 2020**

A regular meeting of the Kirkwood Town Board was held on February 4, 2020 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.  
Councilwoman Katie Legg

Also Present: Robert McKertich, 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:** January 7, 2020 Organizational Town Board Meeting

**PUBLIC PARTICIPATION:** None.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

**LED Lighting.**

Councilman Diffendorf reported that the LED lighting is up. If anyone knows of a light that was not switched, contact the Town. This will be a big savings to the Town forever.

**Dog Control Report.**

Katie Legg read the Dog Control Officer's report for January, which is on file in the Town Clerk's Office.

**Insurance Update.**

Councilman Weingartner reported that the PERMA Workers' Comp came in about \$10,000 less because we met the lowest threshold. The liability/casualty/fire package is being processed now and should be done in March.

**Water Break.**

John Finch reported there was a water break last week in Five Mile Point; a 6-inch main. It was fixed within the day by town employees.

**Professional Fees Local Law; Driveway Culvert Pipes.**

Mr. McKertich reported that he's working on a local law for professional consultant fees which should be ready shortly as well as the culvert pipe policy for driveways.

**Hiner Road Update.**

Regarding the proposed road from Hiner to Krager, Supervisor Kniffen reported that, after making several attempts, we contacted the owner of the land involved, 34 acres. He said two sisters own the land and after he explained the situation to the sister that lives in Florida who called him today, she said they have no plans for the property but would like more information. Supervisor Kniffen will turn this over to the City.

**OLD BUSINESS:**

Councilwoman Legg moved to adopt resolution scheduling a Public Hearing for February 25, 2020 at 6:00 PM regarding the Request for Change in Zoning of 50 Francis Street and 13 Alexander Road from PUD to B1. Councilman Diffendorf seconded.

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

26-20  
Sched PH  
Zoning Change  
PUD – B1

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**February 4, 2020**

Supervisor Kniffen - yes

MOTION CARRIED.

27-20  
Kirkwood Fire  
Co. Roster

Councilman Diffendorf 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 Grubham seconded.

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

MOTION CARRIED.

28-20  
Five Mile Pt  
Fire Co Roster

Councilman Grubham moved to adopt resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Five Mile Point 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 Weingartner seconded.

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

MOTION CARRIED.

29-20  
Cemetery  
Payments

Councilman Weingartner moved to adopt resolution authorizing the payment of \$1500 annually for maintenance to the Riverside Cemetery and the Kirkwood Cemetery. Councilwoman Legg seconded.

**Discussion:** In regard to the Brookvale Cemetery, 759 Colesville Road, Supervisor Kniffen said I spoke with Gordon Carroll, a Town Board member in Colesville, and he and his mother manage the cemetery. Mr. Gordon said you can't get a backhoe in there for a burial because it's steep, and it's even hard for a hearse. They've only had one burial since 2017. Previously the property owner next to the cemetery allowed them to go through their property with a backhoe but there is a new owner who has blocked that off. They currently have about \$1,000 in their treasury. Supervisor Kniffen told them if they want to be considered for this they would have to provide proof that the cemetery is non-profit.

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

MOTION CARRIED.

30-20  
Purchase  
Neptune Water  
Meters -  
Standardize

Councilwoman Legg moved to adopt resolution standardizing the purchase of Neptune Water Meters from TI-Sales as a sole source, in accordance with the attached resolution. Councilman Weingartner seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Legg - yes  
Councilman Diffendorf - no  
Supervisor Kniffen - yes

MOTION CARRIED.

31-20  
C. Moran  
Education -  
Code

Councilman Diffendorf moved to adopt resolution authorizing Chad Moran to attend the STBOA 2020 Code Training Update on February 26, 2020 at the Sidney Fire Station, Sidney, NY at a cost of \$35.00. Councilman Grubham seconded.

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

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**February 4, 2020**

Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Grubham 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 licenses for the following mobile home parks, such licenses are for the year 2020:

Quilty Hill Mobile Home Park, 49 Quilty Hill Road, Kirkwood, NY 13795

Owner: Charles C. Tai

Kirkwood Parksites, LLC, 1794 US Route 11, Kirkwood, NY 13795

Owner: Gary N. Johnson

Councilman Weingartner seconded.

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution accepting the Recertification of the Record of Activities for Cynthia French, Dog Control Office, for the year 2020, in accordance with the attached recertification. Councilwoman Legg seconded.

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution authorizing advertising for Sealed Bids for the purchase and installation of Stair Work at the Main Sewer Station, with bids returnable to the Town Clerk's Office on February 28, 2020 at 12 noon, and to be publically opened and read at that time. Councilman Diffendorf seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the purchase and installation of gaskets and hardware on discharge elbows at the Main Pump Station from W2O Operator Training Group, LLC, at a cost not to exceed \$3,315 and if needed replacement of the elbows and flanges at a cost not to exceed \$4,900, in accordance with the attached estimate. Councilman Grubham seconded.

**Discussion:** Mr. Finch verified the \$4,900 was an additional amount, if needed, for a total of \$8,215.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution rescheduling the April 28, 2020 Work Session to Monday, April 27, 2020 due to the Presidential Primary. Councilman Weingartner seconded.

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

32-20  
Mobile Home  
License  
Quilty Hill  
Kirkwood  
Parksites

33-20  
C. French  
Recertify Hrs  
Retirement

34-20  
Advertise  
Sewer Stair  
Bids

35-20  
Main Pump Sta  
Sewer Work

36-20  
Resched WS  
Mtg

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**February 4, 2020**

Supervisor Kniffen - yes

MOTION CARRIED.

37-20  
Viera & Assoc  
Agreement –  
Court Finance  
& Records

Councilwoman Legg moved to adopt resolution authorizing the Supervisor to enter into an agreement with Vieira & Associates CPAs, P.C. regarding the Justice Court finances and records, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

38-20  
Terminate  
Strategic Dev  
Retainer  
Agreement

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to sign the Retainer Agreement Termination with Strategic Development Specialists effective February 1, 2020, in accordance with the attached letter. Councilwoman Legg seconded.

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

MOTION CARRIED.

**NEW BUSINESS:**

39-20  
Amendment –  
Kirkwood  
Housing  
Partnership

Councilman Diffendorf moved to adopt resolution authorizing the Supervisor to sign the Certificate of Amendment of the Certificate of Limited Partnership of Kirkwood Housing Group, L.P., in accordance with the attached amendment. Councilman Grubham seconded.

**Discussion:** Mr. McKertich explained this is a transfer of ownership for the senior housing facility from one group to another and under State law, because of the type of facility it is, it requires approval of the Town Board and the Supervisor's signature. The new owner of this facility will be CRM Rental Management Inc., which is a New York corporation. They manage properties all over New York. At this point they haven't proposed any other amendments to the agreement.

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

MOTION CARRIED.

**Discussion – Zoning Change – Francis Street. (LCG)**

Councilman Grubham said when we worked on the Comprehensive Plan one of the things we talked about was that we needed to try to get rid of the PUDs. We are going to meet again to go through these PUDs to change the zoning to get rid of them because they are too awkward to work with. At the time they made sense but they no longer do. After we meet we'll bring something back to the Board.

**Discussion – Request from Windsor Human Development to have Doug's Fish Fry set up at Valley Park, on the bridge side, on Friday, March 13<sup>th</sup> from 11 am to 6 pm for a fundraiser. (GEK)**

Supervisor Kniffen said this request for permission to set up at the park just came in today. The question is why they can't set up at Schneiders' Plaza since they just had one there last week on January 30<sup>th</sup>. Councilwoman Legg said this organization is in Windsor and they have a food pantry and do different things for the community. It was noted that this request doesn't fall into the usual category for fund raising at Valley Park, since the Parks Use Local Law addresses a charitable group that wants to reserve a pavilion for their fund raising efforts, not sponsor a food truck vendor. A concern was noted about winter weather conditions. This doesn't fall under the Peddlers & Solicitors Local Law either. Councilman Weingartner said Doug's Fish Fry will make money but the majority of the proceeds goes to the fundraiser sponsor. Other groups have done this in the past, but not at

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**February 4, 2020**

the park. Councilwoman Legg read a description of Windsor Human Development: Serves families located within the Windsor Central School District food on a monthly basis. All food distributed is purchased by the pantry, funding is through grants and local community fundraisers. She noted that this would set a precedent if this is approved. Councilman Grubham noted a concern about that as well and said it could expand to Veterans River Park and could involve both parks all year long. Although we don't want to tell non-profits no, where do you draw the line. Councilwoman Legg said if you were to have a softball game at Valley Park on a day that a non-profit was pre-scheduled, Valley Park is limited as it is. Mr. McKertich said if they are going to be doing this on Town property we need to make sure they have insurance, a health certificate and we need to know when they're going to be there. We should get an indemnity provision from them through an application process. Mr. McKertich will draft an application form.

**AUDIT AND PAYMENT OF CLAIMS:**

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 # 20-00033 through # 20-00185 in the total amount of \$750,898.73, which includes prepaid claims as authorized by resolution adopted January 7, 2020. Councilwoman Legg seconded.

40-20  
Audit/Pay

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

MOTION CARRIED.

**OTHER:**

Councilwoman Legg moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph h of the Public Officers Law to discuss the proposed acquisition, sale, or lease of real property. Councilman Diffendorf seconded.

41-20  
Exec Sess

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

MOTION CARRIED.

**ADJOURNMENT:**

Following the adjournment of the Executive Session, Councilman Weingartner moved to adopt resolution to adjourn the meeting. Councilman Diffendorf seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 6:46 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk