

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

March 2, 2021

A regular meeting of the Kirkwood Town Board was held on March 2, 2021 at 6:00 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 Bd. Chairman (via Zoom)

PLEDGE OF ALLEGIANCE:

NEW BUSINESS:

County Executive Jason Garnar – State of the County Address Overview.

Supervisor Grubham welcomed Broome County Executive Jason Garnar to the meeting via Zoom. Executive Garnar expressed his gratitude for being able to speak to the Town of Kirkwood regarding updates in the County. Executive Garnar said the County has taken the lead locally to fight the COVID pandemic. Some of the topics he discussed were: procuring PPE (personal protective equipment), increased contact tracing, working with schools, testing, managing the spread of COVID, and vaccinations. Executive Garnar explained the County's financial situation, and discussed unemployment, sales tax, and the housing market, stating things are getting better. He mentioned the Federal government relief package, which has funding in it for State and Local governments. If the President does sign the bill, Kirkwood could receive money within two months. Executive Garnar said the County is expected to be in a better position at the end of this year than we were at the beginning of COVID. He mentioned new projects in the area, the FedEx distribution center being one of them.

Councilman Weingartner asked if there were any plans to relieve COVID restrictions to individuals who have had the COVID vaccine, specifically regarding sporting events. Executive Garnar responded by saying, we just allowed fans to attend high risk sports, however the State said you can have fans there but only two per athlete. Right now we don't have the power to change that. I don't see the State changing anything for vaccinated individuals as of yet. You will see more and more restrictions loosened up, especially with the warmer weather coming up. Some of the biggest question marks this year is if we can have the large gatherings. I think the State will loosen up restrictions when it comes to weddings, movie theaters, and sports.

Executive Garnar responded to Supervisor Grubham by saying the State vaccination site is doing about 4,000 vaccinations a week. The State site is not just open to Broome County residents, anyone from New York State can sign up for that. We are lucky they put it here because you will have a higher percentage of Broome County residents using it. That is separate from the 3,000 doses the Broome County Health Department received.

Supervisor Grubham thanked Executive Garnar for joining the meeting and for the latest information on the County.

APPROVAL OF MINUTES: February 2, 2021 Town Board Meeting

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: Card from Riverside Rural Cemetery Association

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COMMITTEE REPORTS:

Dog Control Report.

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

Stimulus Money for Kirkwood

Supervisor Grubham said I believe the Town could receive \$1.2-\$1.3 million from the stimulus package but we don't know what strings might be attached to it. Councilman Weingartner said it was unrestricted. Supervisor Grubham said we will have to wait until we get the money and then decide how to handle it.

Anthos Rental Rates

Supervisor Grubham said I received a call on Friday from a concerned resident, she was upset because the rent was going up at Anthos Apartments. She was blaming the Town of Kirkwood for this increase, saying we had raised the sewer rates 36% and the water rates 25%. After doing a little checking, I found out Anthos had read the minutes from the Town of Binghamton, who is raising their rates, and used that as their basis when notifying their tenants of the increase. Anthos can do what they want, it's their business. But I didn't want them using the Town of Kirkwood as a reason why they were doing it. I did explain all of this to the resident and she was going to pass it along to her neighbors.

OLD BUSINESS:

38:21
Appoint
Art Shafer
Councilman

Councilwoman Legg moved to adopt resolution appointing Arthur J. Shafer, Councilperson, for a term from March 2, 2021 to December 31, 2021, to fill the unexpired term of Lewis Grubham. Councilman Diffendorf seconded.

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

MOTION CARRIED.

OATH OF OFFICE:

The Oath of Office was administered to Arthur J. Shafer for the appointed position of Councilperson for the Town of Kirkwood for a term to expire December 31, 2021.

39:21
Hire
Athena Smales
PT Clerk
Assessor

Councilman Diffendorf moved to adopt ratifying a resolution hiring Athena Smales as Clerk, PT, effective February 10, 2021, 10 hours per week at \$16.00 per hour, with a \$.50 per hour increase after 6 months, to work in the Assessor's Office. Councilman Weingartner seconded.

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

MOTION CARRIED.

40:21
Agreement w/
Viera & Assoc
FEMA Audit

Councilman Weingartner moved to adopt resolution ratifying a resolution authorizing the Supervisor to enter into an agreement with Viera & Associates CPAs, P.C., regarding the Audit of Financial Statement of the Disaster Grants – Public Assistance Program, at a cost not to exceed \$9,000, in accordance with the attached agreement. Councilwoman Legg seconded.

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

MOTION CARRIED.

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Councilman Shafer moved to adopt resolution ratifying a resolution authorizing the Supervisor to enter into an agreement with Vieira & Associates CPAs, P.C., regarding the Town Court audit for the year ending December 31, 2020, at a cost not to exceed \$5,100, in accordance with the attached agreement. Councilman Diffendorf seconded.

41:21
Agreement w/
Viera & Assoc
Court Audit

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution adopting the Town of Kirkwood Public Employee Health Emergency Plan, in accordance with the attached plan. Councilman Weingartner seconded.

42:21
Adopt
Employee
Health
Emergency
Plan

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to sign the Engagement Letter with Johnson, Lauder & Savidge, LLP regarding additional services requested for 2018 flood remediation administration (FEMA & Federal Highway Administration) and the 2011 FEMA DPW claim tasks, in accordance with the attached letter. Councilwoman Legg seconded.

43:21
Agreement w/
Johnson, Lauder
& Savidge
FEMA &
Federal Hwy
tasks

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution authorizing the Supervisor to sign the Engagement Letter with Johnson, Lauder & Savidge, LLP, dated January 2, 2021, in accordance with the attached letter. Councilman Shafer seconded.

44:21
Agreement w/
Johnson, Lauder
& Savidge for
Jim Smith
services

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

MOTION CARRIED.

Councilman Shafer moved to adopt resolution authorizing the field service call from W2O Operator Training Group, LLC, regarding piping at the Water Treatment Plant, at a cost not to exceed \$21,250.00, in accordance with the attached quote. Councilman Diffendorf seconded.

45:21
Authorize
W2O - repairs
at Water
Treatment
Plant

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

MOTION CARRIED.

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46:21
Authorize Jones
Specialty Serv. -
repairs to City
Line Booster Stat.

Councilman Diffendorf moved to adopt resolution authorizing Jones Specialty Service Group to perform piping repairs to the City Line Booster Station, at a cost not to exceed \$17,015.00, in accordance with the attached quote. Councilman Weingartner seconded.

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

MOTION CARRIED.

47:21
Adopt COVID
Waiver for
Youth Program

Councilman Weingartner moved to adopt resolution adopting the Town of Kirkwood COVID-19 Assumption of Risk and Waiver Form for the Youth Program, in accordance with the attached form. Councilwoman Legg seconded.

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

48:21
Audit/Pay

Councilwoman Legg 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 # 21-000174 through # 21-000305 in the total amount of \$ 278,713.70, which includes prepaid claims as authorized by resolution adopted January 5, 2021. Councilman Shafer seconded.

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

MOTION CARRIED.

DISCUSSION:

Flushing of Fire Hydrants

Councilman Diffendorf said I received complaints when you were flushing the hydrants on Main Street. People were upset because water running in their yards and driveways. Supervisor Grubham said we all received a lot of complaints. John Finch replied to Councilman Diffendorf stating, we ordered a second diffuser today. The diffuser hooks up to the hitch on the back of the truck so they can open up the hydrants more so it blows out into the road. It will dissipate it more instead of making holes in the yards and going wherever. Both vehicles will be equipped to flush them more vigorously. The fire on Route 11 caused the discolored water. I'm not sure how the Fire Company is operating the hydrants, if you open or close them up too quickly it causes a hammer in the system. When that happens it scours the sides of the main and we get brown water. Then we have to flush the lines. They flushed them until 6:30 PM. Councilman Diffendorf said if they use a crank to open the valve it shouldn't open too quickly, but if they use a slammer valve then it might be a problem. Supervisor Grubham said they need to open them fully, otherwise it's not good for the hydrant if you don't do that. Supervisor Grubham told John Finch he should be sure to tell the Fire Company to do this. John Finch said we have told them in the past but staff is changing all the time there, it's hard to keep up with everyone.

John Finch responded to Councilman Shafer stating, we flush the hydrants once a year in the spring and then as needed after that. Councilman Shafer said back when we set up the extension of the water district around 1974-1975, we decided that we would flush the hydrants more than once a year, in the spring and fall. That way you get rid of a lot of the rust that you are picking up right now out of those hydrants. Get rid of it before it becomes a problem, such as a fire or something of that nature. John Finch said I can have Al Glover reach out to the Fire Chiefs and explain the importance of making sure the person operating the hydrant knows how to use it. Councilman Shafer said they should be learning

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to operate the hydrants when they are trained. John Finch said we will definitely reach out to the Fire Company again.

John Finch replied to Councilman Shafer by saying, we took the sand filters out of the wells at least ten years ago or more, around 2004-2005. We were having issues with the tanks themselves and also with the operation of the air valves. As we were testing the water our iron levels were coming down and the Health Department said we didn't need those sand filters anymore. Our Engineer at the time, Ron Lake said he didn't have an issue with it either. We had quite a talk about it because it was a big job getting those tanks out of there. Instead of upgrading all the sand filters we went with a sequestering agent for iron and manganese. It's supposed to coat the lines and it also gets the iron and manganese out of the system quicker when you flush it.

Councilwoman Legg said when you know in advance that you are going to flush the system can you let people know ahead of time, since we have the means to do that. John Finch said it slipped my mind and I will try to remember to notify you as well.

Councilman Shafer said I just want to thank each and every one of you for considering me to sit here. Thank you Kelley Diffendorf for giving me copies of the minutes for the past several months so I could be up to speed on everything. I came on here in 1970 and I served as a Councilman and then as a Supervisor. I was just thinking about it the other day, here it is 2021 and I'm going back in as a Councilman, I didn't achieve too much in 50 years, did I (many laughs).

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 6:51 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk