

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

January 2, 2024

An organizational meeting of the Kirkwood Town Board was held on January 2, 2024 at 6 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham
Councilmember William Diffendorf, Jr.
Councilmember Katie Legg
Councilmember Sandy Wasson
Councilmember Robert Weingartner

Also Present: Robert McKertich, Attorney
Kelley Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: December 26, 2023 Special Town Board Meeting and (3) December 26, 2023 Public Hearings

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: Letters of Re-Appointment for Clerk to Justice Full Time and Town Historian

COMMITTEE REPORTS:

Dog Control Report.

Councilmember Legg reported numbers from the December 2023 Dog Control Report. A copy is filed in the Town Clerk's office.

PERMA, Worker's Compensation Coverage.

Councilmember Weingartner reported, since being enrolled in a two-year contract and a loss ratio under 25%, there has been a \$17,000 savings in the premium over the past two years.

OLD BUSINESS:

Councilmember Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 1-2024 entitled "A Local Law Amending the Sewer Rents", in accordance with the attached resolution. Councilmember Wasson seconded.

1:24
Adopt LL#1
Amend Sewer
Rents

Roll Call Vote: Councilmember Diffendorf - yes
Councilmember Wasson - yes
Councilmember Legg - yes
Councilmember Weingartner - yes
Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2024 entitled "A Local Law Repealing Section 1705 of Article XVII of the Zoning Local Law of the Town of Kirkwood Entitled "Dog Control" and Repealing and Replacing Local Law No. 3 of the Year 1975 of the Town of Kirkwood Entitled "A Local Law Relating to the Control, Confining and Leashing of Dogs", in accordance with the attached resolution. Councilmember Legg seconded.

2:24
Adopt LL#2
Repeal and
Replace Dog
Control Law

Roll Call Vote: Councilmember Diffendorf - yes
Councilmember Wasson - yes
Councilmember Legg - yes
Councilmember Weingartner - yes
Supervisor Grubham - yes

MOTION CARRIED.

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3:24
Adopt LL#3
Amend
Telecomm Fees

Councilmember Legg moved to adopt resolution, after a Public Hearing, adopting Local Law No. 3-2024 entitled “A Local Law Amending Article IX of the Zoning Local Law Regarding Telecommunication Fees”, in accordance with the attached resolution. Councilmember Weingartner seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

4:24
Amend
Benefit Plan

Councilmember Weingartner moved to adopt resolution amending the Town of Kirkwood Benefit Plan regarding employee contributions for health insurance for years 2024, 2025, and 2026, in accordance with the attached plan. Councilmember Diffendorf seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

5:24
Approve Roster
Five Mile Point
Fire Company

Councilmember Diffendorf 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. Councilmember Wasson seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

NEW BUSINESS:

6:24
Press as
Official
Newspaper

Councilmember Wasson moved to adopt resolution appointing the Press & Sun-Bulletin as the official newspaper for 2024 for publication of all legal notices of the Town for 2024, 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. Councilmember Legg seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

7:24
M&T as
Depository
Town Funds

Councilmember Legg moved to adopt resolution naming M & T Bank as the depository for town funds for the Supervisor for 2024. Councilmember Weingartner seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

**TOWN OF KIRKWOOD
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Councilmember Weingartner moved to adopt resolution appointing the Supervisor as Service Officer for 2024. Councilmember Diffendorf seconded.

8:24
Appoint
Supervisor as
Service Officer

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Diffendorf 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, First Niagara Bank, Peoples Security Bank & Trust, and NYCLASS; 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. Councilmember Wasson seconded.

9:24
Supervisor
Invest Funds

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution establishing reimbursement of expenditures incurred in 2024 as follows:

10:24
Mileage &
Expense
Reimbursement

Mileage reimbursement at current Federal Government rate for job related travel;
Attendance at job related meetings not to exceed \$30 per meeting.

Councilmember Legg seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

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

11:24
Meeting Night
Designation

First Tuesday - Regular Town Board Meeting
Last Tuesday - Work Session

Councilmember Weingartner seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember 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. Councilmember Diffendorf seconded.

12:24
Voucher
Submittal

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

**TOWN OF KIRKWOOD
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Councilmember Diffendorf moved to adopt resolution establishing hourly rates of pay for Public Works personnel for 2024, pursuant to Collective Bargaining Agreement with Teamsters 317 effective January 1, 2024 and with rate sheet from DPW Commissioner for all union and non-union employees of the DPW. Councilmember Wasson seconded.

Roll Call Vote: Councilmember Diffendorf - yes
Councilmember Wasson - yes
Councilmember Legg - yes
Councilmember Weingartner - yes
Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution establishing hourly rates of pay for Board of Assessment Review, in accordance with the attached resolution. Councilmember Legg seconded.

Roll Call Vote: Councilmember Diffendorf - yes
Councilmember Wasson - yes
Councilmember Legg - yes
Councilmember Weingartner - yes
Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Legg moved to adopt resolution establishing salaries for all elected and appointed officials and employees as set forth in the 2024 budget. Councilmember Weingartner seconded.

Roll Call Vote: Councilmember Diffendorf - yes
Councilmember Wasson - yes
Councilmember Legg - yes
Councilmember Weingartner - yes
Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Weingartner moved to adopt resolution appointing the following persons to the designated positions for 2024, in accordance with the attached resolution. Councilmember Diffendorf seconded.

Roll Call Vote: Councilmember Diffendorf - abstain
Councilmember Wasson - yes
Councilmember Legg - yes
Councilmember Weingartner - yes
Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Diffendorf moved to adopt resolution authorizing Supervisor to submit to the Town Clerk by March 31, 2024, 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 of the town that a copy of such report is on file and available for inspection in Town Clerk's office. Councilmember Wasson seconded.

Roll Call Vote: Councilmember Diffendorf - yes
Councilmember Wasson - yes
Councilmember Legg - yes
Councilmember Weingartner - yes
Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Wasson 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). Councilmember Legg seconded.

Roll Call Vote: Councilmember Diffendorf - yes
Councilmember Wasson - yes
Councilmember Legg - yes
Councilmember Weingartner - yes
Supervisor Grubham - yes

MOTION CARRIED.

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Councilmember Legg moved to adopt resolution reaffirming and re-adopting resolutions establishing the Procurement Policy adopted December 6, 1994, amended December 3, 2013, February 7, 1995, February 3, 2009, January 5, 2010, December 6, 2011, December 3, 2013 and December 27, 2022 and the Investment Policy adopted July 3, 1993. Councilmember Weingartner seconded.

19:24
Procurement
and
Investment
Policies

Discussion. It was decided that next year the most recent amendment date only will be listed to streamline the above resolution.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Weingartner moved to adopt resolution authorizing the Commissioner of Public Works to purchase equipment and tools not to exceed a total of \$3,999 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. Councilmember Diffendorf seconded.

20:24
DPW
Equipment
Purchases

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Diffendorf moved to adopt resolution reappointing John Mastronardi of Griffiths Engineering as the Stormwater Management Officer for the year 2024.

21:24
Reappoint
J.Mastronardi
Stormwater
Management
Officer

Councilmember Wasson seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

Councilmember Wasson 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 #24000001 through #24000030 in the total amount of \$96,135.75, which includes prepaid claims as authorized by resolution adopted this date. Councilmember Legg seconded.

22:24
Audit/Pay

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 6:22 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk