

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

June 3, 2025

A regular meeting of the Kirkwood Town Board was held on June 3, 2025 at 6 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham
Councilmember William Diffendorf, Jr.
Councilmember Marc Latini
Councilmember Katie Legg
Councilmember Sandy Wasson

Also Present: Robert McKertich, Attorney
Kelley Diffendorf, Town Clerk
Poe Williams, Highway Superintendent
Karen Ferguson, Historian

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: May 6, 2025 Town Board Meeting and (2) May 27, 2025 Public Hearings

PUBLIC PARTICIPATION: Gary Nesbitt of Geiger Lane spoke to the Board about an ongoing code enforcement and property maintenance issue he has dealt with for ten years. Since buying a piece of property for back taxes, Mr. Nesbitt and his wife have been continuously removing thousands of pounds of metal and debris to follow code law. In the meantime, nothing was being done to the other properties that have inoperative boats in disrepair, barrels scattered on the ground, and other rubbish on the property. Mr. Nesbitt had been in contact with Chad Moran several times over the years regarding the other properties, yet he did not see any progress on those properties. After many years and continually pulling debris from his property he was not happy when he received a letter in 2024 from the code department regarding debris on his property. Mr. Nesbitt took care of all his debris, but the other properties are still an issue. Mr. Nesbitt has asked for help to get these properties cleaned up but to no avail and he has felt ignored. He pleaded with the Board for help on this. Lastly, he suggested a little transparency when it comes to what the code enforcement officer did each month, such as a monthly report. Councilmember Diffendorf noted a report was given by the code department many years ago at the Board meetings, but it was stopped because no one paid attention to it.

Supervisor Grubham explained that he does drive down to Geiger Lane quite often to check on the situation. The Board can't force the code enforcement officer to do anything, but this will be discussed with him. The question now is, is it right for the boats to be there, covered or not, inoperable or not. At some point it may need to be turned over to our Town Attorney. Supervisor Grubham and Chad Moran will go to Geiger Lane together to look at everything.

Mr. Nesbitt also mentioned the boat ramp needs work.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Community Service Worker.

Councilmember Diffendorf reported that a court appointed community service worker placed in the Highway Department was injured when debris flew into his eye while weed eating, even though this person had all the proper safety equipment on while working. The Town's comp carrier did cover the medical costs. Councilmember Diffendorf suggested the Board think about whether the Town wants to take on these community service people that are sent here by the courts, if it is good for the Town or not.

Dog Control Report.

Councilmember Legg reported numbers from the May 2025 Dog Control Report. A copy is filed in the Town Clerk's office.

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Youth Sports Report.

Councilmember Legg reported information from Devin Fleetwood for May 2025. The Corporate Sponsorship Banner campaign is complete and yielded a net proceed of \$2,530. Baseball and softball regular seasons are ending in early June, and the baseball all-stars will have tournaments in June and July. A more detailed report is filed in the Town Clerk's office for review.

Historian/Patriot Burial Marker Dedication.

Karen Ferguson reminded everyone that the official dedication for the Patriot Burial Marker will be held this Saturday, June 7, 2025 at 11 AM at the Kirkwood Cemetery.

Culvert Pipe on Cedarhurst Road.

Poe Williams reported that John Mastronardi, Town Engineer, inspected the culvert pipe on Cedarhurst Road near the shale bed and agreed with putting concrete in the bottom to stabilize it. John Mastronardi believes the cement should take care of the problem for another 5 to 20 years. Poe Williams will get pricing to complete this project.

Frances Street Traffic.

Councilmember Wasson asked if the project to fix the Frances Street and Crescent Drive intersection could be pushed forward even if Adam Meinstein isn't ready to start working on his project at the racetrack site. Her concern is how fast people fly down Frances Street, noting it is a tad dangerous. Supervisor Grubham explained it is a state road, and he would not expect any help from them. Supervisor Grubham will also check in with Adam Meinstein to see where things stand with him.

Afghan and Gulf War Plaques.

Orville Rifenbury contacted Supervisor Grubham and asked if a plaque honoring Afghan and Gulf War Veterans could be placed at the memorial at Veterans River Park. All Board members agreed it was a good idea.

Parks.

Supervisor Grubham complimented Tim Finch and his crew for the work they have done this spring with the horrible weather. They have kept things up and had the fields ready. The Town is lucky to have him and his current crew. Councilmember Diffendorf backed that up as well, stating he has been to the park for a lot of ball games this year and people that come there from many different places say it's the best big field they have seen anywhere. The Town is very lucky he takes such effort in his work. Supervisor Grubham dreads when Tim Finch decides to retire.

Pack the Park – Concert Series.

Councilmember Legg reminded everyone that the concerts for Pack the Park begin next Thursday, June 12, 2025 at Veterans River Park, and to please come out and enjoy! Concerts begin at 6 PM.

OLD BUSINESS:

Councilmember Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 5-2025 entitled "A Local Law Amending the Water Mains Local Law Regarding Permit Fees", in accordance with the attached resolution. Councilmember Wasson seconded.

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

MOTION CARRIED.

86:25
Adopt LL#5
Water Mains
Permit Fees

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Councilmember Wasson moved to adopt resolution, after a Public Hearing, adopting Local Law No. 6-2025 entitled “A Local Law Amending the Water Rates”, in accordance with the attached resolution. Councilmember Legg seconded.

87:25
Adopt LL#6
Amend Water
Rates

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

MOTION CARRIED.

Councilmember Legg moved to adopt resolution authorizing the Supervisor to enter into an agreement with ACHIEVE for the 2025 Summer Camp Program, in accordance with the attached agreement. Councilmember Latini seconded.

88:25
Agreement with
ACHIEVE

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

MOTION CARRIED.

Councilmember Latini 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 Town Fair, Inc., for the use of Kirkwood Veterans River Park on August 10, 2025 without any permit fee to guarantee proper clean up after use. Councilmember Diffendorf seconded.

89:25
Authorize Use
of Park for
Kirkwood
Community Day

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

MOTION CARRIED.

Councilmember Diffendorf moved to adopt resolution authorizing JSE General Contracting, LLC to remove existing shingles and install new roof on the back side of the Kirkwood Town Hall, at a cost not to exceed \$12,000, in accordance with the attached quote. Councilmember Wasson seconded.

90:25
Approve
New Roof for
Back Side of
Town Hall

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

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution authorizing the Supervisor to sign a Letter Agreement regarding additional equipment costs and services for Five Mile Point Fire Company and Kirkwood Fire Company, in accordance with the attached letter agreement. Councilmember Legg seconded.

91:25
Agreement for
Additional
Costs for Both
Fire Companies

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

MOTION CARRIED.

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92:25
Addition to
Agreement with
Delaware
Engineering

Councilmember Legg moved to adopt resolution authorizing Delaware Engineering, D.P.C to also perform a Regulatory Review – Local, at a cost not to exceed \$9,750, in accordance with their Professional Services Agreement. Councilmember Latini seconded.
Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

93:25
Education
M.Loftus
W&S

Councilmember Latini moved to adopt resolution authorizing Matt Loftus to attend the Southeastern New York Water Works Conference on Thursday, June 12, 2025, at the Sidney American Legion, at a cost of \$15 for the annual dues and \$40 for the Spring meeting. Councilmember Diffendorf seconded.
Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

94:25
Schedule PH
LL #7 Amend
Swimming
Pool Ordinance

Councilmember Diffendorf moved to adopt resolution scheduling a Public Hearing for Monday, June 23, 2025 at 6 PM regarding a Local Law Amending the Swimming Pool Ordinance Regarding Regulations for Above Ground Pool Enclosures. Councilmember Wasson seconded.
Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

95:25
Education
C.Moran
Code

Councilmember Wasson moved to adopt resolution authorizing Chad Moran to attend the Southern Tier Home Builders & Remodelers Association training on Tuesday, June 10, 2025, in Binghamton, at a cost of \$35. Councilmember Legg seconded.
Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

96:25
Schedule PH
LL #8 Amend
Prior Notice of
Defects LL

Councilmember Legg moved to adopt resolution scheduling a Public Hearing for Tuesday, June 23, 2025 at 6:02 PM regarding a Local Law Amending the Prior Written Notice of Defects Local Law Requiring a Physical Hard Copy of the Notice. Councilmember Latini seconded.
Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

97:25
Approve Waiver
Regarding
Liquor License
The Rusty Mug

Councilmember Latini moved to adopt resolution approving the request from The Rusty Mug, Inc. for a waiver from the Town of Kirkwood from the 30-day waiting period regarding their liquor license application. Councilmember Diffendorf seconded.
Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

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Councilmember Diffendorf moved to adopt resolution authorizing the Budget Journal Entries, in accordance with attached Budget Adjustment Sheet. Councilmember Wasson seconded.

98:25
Budget
Adjustments

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

MOTION CARRIED.

NEW BUSINESS:

Councilmember Wasson moved to adopt resolution authorizing the Supervisor to sign the Payment Agreement with Roman Acres Veterinary Hospital regarding veterinary services for dog control, in accordance with the attached agreement. Councilmember Legg seconded.

99:25
Agreement
with Roman
Acres Vet
Hospital

Discussion. Supervisor Grubham explained that after a weekend issue for the Dog Control Officer with a dog needing medical attention because of a porcupine encounter, it was determined that Roman Acres Veterinary Hospital was the closest and most cost-effective emergency vet services available. It is the Town's responsibility to take the dog to a vet if needed once the dog is picked up on a call. There is no retainer fee with the agreement, just a fee for services provided. Supervisor Grubham noted this may need to be addressed at some point in the budget.

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

MOTION CARRIED.

Councilmember Legg moved to adopt resolution authorizing the Supervisor to enter into an agreement with the Police Athletic League (PAL) for the 2025 Summer Camp Program, in accordance with the attached agreement. Councilmember Latini seconded.

100:25
Agreement
with PAL

Discussion. Supervisor Grubham explained the Town has given money to the PAL camp on Colesville Road for many years with an authorized yearly agreement. This hasn't happened the past two years, possibly because of leadership changes or building issues, but the group did not respond to the Town's attempt to reach them. The PAL group is now reestablishing the program and asked if the Town would be willing to implement the yearly agreement again.

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

Councilmember Diffendorf 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 #25000559 through #25000650 the total amount of \$105,206.51, which includes prepaid claims as authorized by resolution adopted January 7, 2025. Councilmember Wasson seconded.

101:25
Audit/Pay

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

MOTION CARRIED.

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ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 6:53 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk