

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

May 3, 2016

A regular meeting of the Kirkwood Town Board was held on May 3, 2016 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 Linda Yonchuk

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, DPW Commissioner
Marchie Diffendorf, Planning Board Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

April 5, 2016 Town Board Meeting and April 26, 2016 Public Hearing

PUBLIC PARTICIPATION:

Boat Launch: Marchie Diffendorf of 483 Gorman Road asked if there are any updates on the construction of the boat launch. It was noted that it has been weeks since there has been any activity there. Ray Coolbaugh said his understanding is DEC had projects from last year they wanted to finish first. Councilman Grubham questioned the status of the road, noting that right now it is a disaster. Ray said when they finish the project they will regrade the road and tamp it. It was noted DEC will not maintain the road after the project is complete, it will be up to the landowners, and Kirkwood is a substantial property owner. Councilman Diffendorf said his understanding is they started the project because they had some time but they had other projects to do and would come back and finish the boat launch. Supervisor Kniffen will check with DEC as to the status of the project.

Motor Sports: Marchie Diffendorf reported that the History of Motor Sports presentation held at the Kirkwood Fire Station on April 12th was a tremendous success, putting Kirkwood on the map. Drivers came from a large radius.

COMMUNICATIONS:

Resignation of Joseph Barton as Deputy DPW Commissioner.
Appointment of Bill Tozer as Deputy DPW Commissioner.

COMMITTEE REPORTS:

Relay for Life: Councilwoman Yonchuk reported that a Relay for Life “Team Ellie’s Hope Benefit” will be held for a Kirkwood family on May 7th from noon to 6 PM at the Elks Lodge. Tickets are \$5.00 in advance and \$7.00 at the door and includes food. There will be a DJ, bake sale, raffles, presentation by a breast cancer survivor, and mascots from Sweet Frog and Chuck E. Cheese for the kids.

Lions Club – Wellness Program: Councilwoman Yonchuk reported the Kirkwood Lions Club is sponsoring a Wellness Program on May 21, 2016 at the Conklin Presbyterian Church on Conklin Road from 6 AM to 10AM. Quest Diagnostics will be conducting a very complete blood panel screening, with 28 separate tests. This is not covered by Medicare and many insurance plans. The cost is \$40.00. Additional screenings are offered at an additional cost. The Lions Club is requesting a \$5 donation towards refreshments which will be served following the screenings. Appointments are required. Additional information is posted at the Town Hall.

Sick Leave/Martin: Supervisor Kniffen reported Bill Martin notified him he will be retiring by the end of May. The Town adopted a Sick Leave Donation Policy in 2011 and since Bill has some accrued sick time he is questioning if he could leave it behind for the highway employees. Discussion followed in this regard until it was determined that in the current Policy it states “Sick leave cannot be donated to another employee upon

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termination of employment”, so this will not be an option. Supervisor Kniffen questioned if anyone was interested in amending the Policy. Councilman Weingartner said his only thought would be to possibly start a “Sick Bank” and he explained how it would work.

Windsor Water: Supervisor Kniffen reported that a meeting was recently held with Town of Windsor officials in regard to different ways of getting water to them. He said this is far from a done deal with an indication from Windsor that they are still hurting from the sewer extension and no one there currently needs or wants water. Since they most likely would not get enough grant money for the entire project they would have to bond for the difference and the Board member present noted they don’t want to spend any money for water. The reason for this is for economic development and to get to that point it would increase the value of property along the route of the water line. Windsor will have to go back to The Agency in regard to the potential of getting a grant. If they do ever create this water district Supervisor Kniffen does not feel Kirkwood will have any problem with the way they have chosen to go.

Crossing – Herb Kline Way: Supervisor Kniffen reported the railroad wants to rehab the crossing at a cost of about \$160,000, for which the railroad will pay most of the cost. The Town has tried to get some of the users of the crossing to contribute towards the \$12,000 cost for security during the time the crossing is shut down for this rehab. Since 2 of the 4 businesses backed out the Town was fortunate to find \$6,000 through Assemblyman Crouch’s office. Supervisor Kniffen was notified today the railroad wants to do the project this summer, since they now have DOT approval. Willow Run feels waiting until summer is a concern due to the condition of the crossing. Ray Coolbaugh said he doesn’t think it is that bad but he will look into it. Kirkwood will be paving it as soon as the project is done.

Solar Energy: Mr. Blaise reported on a presentation he attended regarding Solar Energy held on April 28th, relating information he obtained from a power point presentation by Broome County Planning Director Frank Evangelisti. He said basically the State is pushing solar development on a large scale by having solar farms in place, but they have not done anything to regulate or oversee this industry. He said it reminds him of Pennsylvania and gas development, where they were playing catch up afterwards with some of the oversight and regulation. Whereas in New York the administration didn’t want it and every road block was thrown up. Since the Governor wants this to happen they are mandating that the automatic tax credit is in place and 50% of the state’s energy has to come from solar by the year 2030. He said although these things are in place there is no guidance coming from the State on things that will affect municipalities directly, such as who is responsible for maintenance of weeds, trees, and repairing the damage to panels, noting there can be shell games as to who actually own the panels. Currently there is no place in New York State that will accept the solar panels as waste. There are so many things that are not covered at the state level and because of that it is all coming down on municipalities to regulate this through zoning, local laws or the comprehensive plan. Transmission lines are another issue and should be addressed in property owner leases but there may be a zoning issue as well. The life of the panels is 15 to 20 years and they have to be disposed of in a certified landfill and there are none in NYS. Supervisor Kniffen questioned if there shouldn’t be a uniform law across the state in this regard instead of leaving it up to municipalities. Mr. Blaise said Mr. Evangelisti indicated it would be nice if everyone in Broome County adopted something similar in regard to land use regulations. Mr. Blaise said he saw a solar farm in Delaware County and one has been started in Conklin. Ray Coolbaugh said that another long term concern is if the solar farm is no longer in use will they restore the land back to what it was before the solar panels were put in. Mr. Blaise said something that landowners should be wary of is if they have property with an agricultural use for which there are certain tax breaks, putting a solar farm on it would cancel their agriculture exemption because this is a commercial use. Supervisor Kniffen questioned if Kirkwood is supposed to have so many solar farms by a certain date. Mr. Blaise said this is basically being forced on the power companies. They are supposed to have so much of their power generated by solar. Ray Coolbaugh said there is also a concern regarding fire companies. If there are panels on a roof of a house and there is a fire, the firemen probably won’t go near the house because there is no way to shut the energy off to the solar panels. Firemen could get electrocuted. There is also a concern with the weight of the solar panels on the roof. Councilman Grubham said they will be

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discussing this at a future Comprehensive Plan Committee meeting, but he is concerned that a 6-month moratorium is not long enough since there is so much to cover, even the fact that in a few years this will be obsolete so what they put in the plan might not even fit by then. This is going to be very difficult. Councilman Diffendorf questioned if they work in haze/clouds, noting the lack of sunshine in this area. Ray Coolbaugh said there are supposed to be rays that come through the clouds. Mr. Blaise cited examples of problems in residential areas in regard to the fact that someone can't do something that would block a neighbors' sunlight to their solar panels. Supervisor Kniffen said he would think the power companies could give Kirkwood an idea, considering the energy they use, on how many solar panels are going to be needed in Kirkwood. Mr. Blaise said it is not set up that way, that it's not mandated that Kirkwood have so many solar panels. Supervisor Kniffen questioned where then the panels would be. Mr. Blaise said there is not a systematic plan and it does not appear that the power companies are overly enthused about this. Mr. Grubham said his opinion is that the rates will go up because the power companies will be made to buy power from the solar panels and it will raise electricity rates because it will cost the power company a lot more money since they have to buy that power. Mr. Blaise explained there will be zones set up by the power companies but there will be nothing mandating that solar panels be located in any particular municipality. It is based on incentives and tax breaks that the State is putting in place to encourage people to do this and if they do it the power companies have to accept the power. It was noted that the power generated by the solar panels in Conklin would go back in the grid, not to a specific location. Powering something specific relates more to a residential panel which is used to power a house and if there is any left over it would go into the grid. The big solar farms are meant to generate a large percentage of the overall power that the State uses in the energy grid. In regard to the Conklin site, Marchie Diffendorf said Solar City is going to own it and they are supposedly going to sell the power to the jail.

Bid Opening – Sewer Grinder:

Henderson Bros. Contracting Inc.	\$85,414.00
W2Operator Training Group, LLC	\$61,750.00
Vacri Construction Corporation	\$63,000.00

OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 3-2016 entitled A Local Law Amending the “Sewer Rents” Local Law of the Town of Kirkwood, in accordance with the attached Short EAF. Councilman Diffendorf seconded.

71-16
Adopt EAF
LL#3-2016
Sewer Rents

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 3-2016 entitled A Local Law Amending the “Sewer Rents” Local Law of the Town of Kirkwood, in accordance with the attached resolution. Councilman Grubham seconded.

72-16
Adopt
LL#3-2016
Sewer Rents

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution accepting the Recertification of the Record of Activities for Cynthia French, Dog Control Officer, in accordance with the attached recertification. Councilman Weingartner seconded.

73-16
C. French
DCO
Recertify
Retirement
Hrs

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

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Councilman Diffendorf - yes
Supervisor Kniffen - yes

MOTION CARRIED.

74-16
Sched. PH
Water Permit
Fees

Councilman Weingartner moved to adopt resolution scheduling a Public Hearing for May 31, 2016 at 6:00 PM regarding Water Permit Fees. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

75-16
Approve
5-Mile Pt
Fire Co
Roster

Councilwoman Yonchuk 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 Diffendorf seconded.

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

MOTION CARRIED.

76-16
Sched. PH
Solar/Wind
Moratorium

Councilman Weingartner moved to adopt resolution scheduling a Public Hearing for May 31, 2016 at 6:05 PM regarding a Local Law to Effect a Moratorium within the Town of Kirkwood on the Placement of Solar and/or Wind Energy Equipment Materials and Support Activities. Councilman Grubham seconded.

Discussion: Councilwoman Yonchuk questioned if this would preclude a homeowner from building a home that they wanted to put solar energy in. Mr. Blaise said that it would preclude them for doing so for both a new home or an existing home. He said the home owners that have solar panels now are grandfathered in. Mr. Blaise said the Local Law is currently written for 6 months, which is the norm, but the Town could go up to a year. Since Councilman Grubham mentioned in earlier discussion that 6 months might not be enough Mr. Blaise questioned if the Board feels it is adequate. Supervisor Kniffen suggested and the Board agreed to extend it to a year.

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

MOTION CARRIED.

77-16
Sched. PH
Opt Out
Tax Exempt.
Solar/Wind

Councilman Grubham moved to adopt resolution scheduling a Public Hearing for May 31, 2016 at 6:10 PM regarding a Local Law Opting Out of the Solar, Wind and Farm Energy Real Property Tax Exemption Provided by RPTL § 487. Councilman Weingartner seconded.

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

MOTION CARRIED.

78-16
Code
Purchase
Computer

Councilman Weingartner moved to adopt resolution authorizing the Code Department to purchase a new computer, memory, monitor and service labor for a total of \$1,284.00. Councilwoman Yonchuk seconded.

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

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Councilwoman Yonchuk	- yes
Councilman Diffendorf	- yes
Supervisor Kniffen	- yes

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing the Code Department to purchase Planning Board and Zoning Board of Appeals tracking software at a cost of \$2,000. Councilman Diffendorf seconded.

79-16
Code
Purchase
Software

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt a resolution ratifying the appointment of Bill Tozer as new Deputy DPW Commissioner with an increase of \$1.00 per hour effective April 27, 2016. Councilman Grubham seconded.

80-16
Appt.
Bill Tozer
Dep. DPW
Comm.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing Ray Coolbaugh to attend the 2016 Highway School at Ithaca College on June 5-8, 2016 at a cost of \$110.00 for the registration fee. Councilman Weingartner seconded.

81-16
R. Coolbaugh
Education

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution ratifying the purchase of a pump service and supply for a new Aurora Vertical Inline Pump at a cost of \$5825.00. Councilwoman Yonchuk seconded.

82-16
Purchase
Pump Serv.

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

MOTION CARRIED.

Councilwoman Yonchuk move to adopt resolution awarding River Park FEMA Electrical Work to Gorman Electric, being the lowest responsible bidder at a cost of \$24,445.82. Councilman Diffendorf seconded.

83-16
Award Bid
Veterans
River Park
FEMA Elec.

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

MOTION CARRIED.

NEW BUSINESS:

Discussion – Decision on the Kirkwood Warehouse Investors case.

Mr. Blaise said this was a very short decision and unfortunately it did not go the way he had hoped. He explained this was the assessment case involving the Penguin Putnam warehouse. They filed a grievance to have their assessment reduced back in the summer. They served the wrong school district and by the time the correct school district was served

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the deadline had passed so the Town filed a motion to dismiss the case and the Judge agreed to dismiss it. An appeal was filed by the Warehouse Investors group and it is pending in Albany. In the meantime at the end of last year the group used a technical section of the Civil Procedure Law saying that under this exception they got an extra 6 months, that their time hadn't expired, so they basically refiled their case. The Town filed a motion to ask for a dismissal again on the same grounds as before, that the technical exception does not apply. Unfortunately the Judge felt the technical exception does apply so the case can go forward. Unless the Town files an appeal challenging this the appeal filed in Albany, the underlined case can go forward for 2015 and the hope is that the Town would knock out their assessment challenge for 2015 and they would have to start again for 2016. His advice is to not to file an appeal on this. It would give the Town a year's advantage although they will ultimately have to deal with it.

Benefit Plan:

Supervisor Kniffen explained there is a Benefits Committee made up of himself, Councilwoman Yonchuk, Ray Coolbaugh, Mary Kay Sullivan and Judge Weingartner. The Board has approved all the proposed changes with one exception. The Committee wanted to look at the benefits package to determine if what is good today might not be good tomorrow. One change that was discussed and agreed on as a committee was eligibility for insurance coverage into retirement. Under the current plan someone with 15 to 19 years of service could retire at 55 years of age with single coverage. For 20 years or more at 55 years of age whatever insurance the person had as an active employee carries into retirement until age 65 when they would go into the reimbursement pool. At that time they would no longer be covered by Town insurance but would be allowed \$2,400 a year for the employee and spouse towards Medicare and/or any medical benefit. The Committee agreed to eliminate the 15 to 19 years of service and the new retirement age would change from 55 to 62 with whatever insurance coverage the employee had as an active employee. Councilwoman Yonchuk said the other changes in italics are basically wording to bring the policy in line with decisions the Board has already made. Councilman Weingartner said his only concern with this is eligibility and the coverage for someone who can retire from the State system at 55 years old with 30 years of service, they would not be eligible for insurance. He said as far as the teachers' retirement, they get their maximum benefit at 30 years of service and 55 years of age. If State retirement works the same way, if a person retires at 55 with 30 years, they won't have health insurance. He believes it is 20 years for police. He feels that is not good and he would not want to vote on this until they find that out. He questioned if it is good for the State why is it not good enough for the Town. Supervisor Kniffen noted a concern with comparing a small community like Kirkwood with the State. Councilman Weingartner said if someone put 30 years in and wants the insurance so they stay 8 more years they would be paid a lot more money, so it might be beneficial to allow the person with 30 years to retire at age 55, to be eligible for the insurance. Councilwoman Yonchuk said she thinks it is worth looking into because if NYS Retirement works like the teachers' retirement system does, once a person has a certain number of years of service and reached a certain age their retirement benefit has maximized. So this means in regard to Kirkwood they would have to stay 7 more years for Town insurance but they don't get a single benefit more out of their pension, because there is a cap. Although there won't be a lot of employees in that situation she sees what Councilman Weingartner is saying. Councilman Diffendorf said how it works in industry is that when someone retires at 55, in most cases, the person would have to pick up their own insurance. It is only government workers that don't. He said he doesn't have a problem with it being 62. Supervisor Kniffen noted that this does not affect anyone currently employed, only new employees. In response to Councilman Weingartner, Supervisor Kniffen said he made some good points but he wants to address the part about saving money because they are not on the payroll any longer. He said they would be paying someone to take the retiree's place, and although at a lesser amount, it wouldn't be that great of an impact. Supervisor Kniffen added that he feels they should be proactive, the Board members are the treasurers of the Town, and this is their number one goal. Councilman Weingartner said he feels it should be tied to the actual NYS Retirement system. Supervisor Kniffen and Councilman Weingartner expressed their differing opinions regarding the proposed change in the retirement age to 62 years. Supervisor Kniffen said Kirkwood would have been bankrupt by now if changes hadn't been made over the years to the benefits offered to employees in the 1990s. He said

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they have saved hundreds of thousands of dollars. Sixteen years later they took something that was 50 years old and not a good policy and stopped it, noting that at that time at 5 years of employment an employee got health insurance paid for life. They stopped that and went to the retirement age of 55. They are now talking about new employees so it will take place down the road. Supervisor Kniffen said he doesn't feel they shouldn't do anything because they don't know what the retirement age is for NYS. Councilman Weingartner said he can find out tomorrow what the max retirement is for someone with 30 years of service. He feels the Town and State retirement should be tied together. Councilman Grubham said he would like to think about it before discussing it. Councilman Diffendorf said he doesn't see why the 50 years and 80 years is needed in the plan since it was already covered by a resolution. Mr. Blaise said if it is removed the coverage would be lost. It could be taken out once no one is any longer on the plan. Councilman Diffendorf said he has not spoken to one person that is in agreement with that portion of the plan. He said he will not vote for it with that in there. Supervisor Kniffen reviewed the other amendments to the plan which, as noted, have been previously approved by the Board.

Councilman Diffendorf moved to adopt resolution amending the Town of Kirkwood Benefit Plan, in accordance with the attached plan, with the exception of Section 2, Paragraph 4. A.). Councilwoman Yonchuk and Councilman Grubham seconded.

84-16
Amend
Benefit Plan

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

MOTION CARRIED.

Attendance and Benefits:

Supervisor Kniffen reviewed with the Board the proposed changes. Since there is no longer a Town Attorney, it was removed from definitions. Changes to "Immediate Family" now will include brother-in-law, sister-in-law, niece, nephew and former spouse. Councilwoman Yonchuk explained that in regard to bereavement leave there might be young children involved and if a former spouse passes away the children will need the surviving parent. It was noted that accrued comp time must now be used by December 31st of each year instead of within six months. Supervisor Kniffen explained the Town no longer hires independent contractors so that was removed with the language "All persons working for the Town shall be paid on payroll" added. In regard to the Teamsters Union, Ray Coolbaugh said all employees do not have to join but they have to pay an agency fee. An amendment was made to the "Reasons for Sick Leave" section. Permanent part time employees will now be entitled to 1 work week of sick leave with pay per year after 6 months service, as opposed to the current 2-year requirement. Unused sick leave credits can accumulate up to but not exceeding 60 workdays which is the same as for full time employees. The Reimbursement Policy for Employee Training Expenses was completely revised. The Town will now supply each DPW employee with 10 T shirts bearing the Town logo instead of 6 at no charge to the employee.

Councilwoman Yonchuk moved to adopt resolution amending the Rules and Regulations Governing Attendance and Benefits for Town of Kirkwood Employees, in accordance with the attached plan. Councilman Diffendorf seconded.

85-16
Amend
Attendance/
Benefits
Rules

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

MOTION CARRIED.

OTHER:

Travis Flannigan from Vestal is looking to purchase property on Loughlin Road which is currently zoned residential and he would like it changed to agricultural. He noted there are other properties in the area zoned agricultural. Mr. Blaise said the property is at the corner of Loughlin and Old State. Mr. Flannigan would like the ability to have goats and other

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animals there. The property to the east of this is zoned residential as well as other parcels on the other side of Old State Road. Mr. Blaise said if they were zoned agricultural residential they could have animals but they could not just change the zoning for that particular parcel because it would be spot zoning. After talking to Chad Moran, Mr. Blaise suggested that the owner of the property to the east of this consider rezoning as well and then the properties would be contiguous with other agricultural properties. It was noted these are large parcels and it would seem to fit with the A/R-R zoning. Mr. Flannigan said the current owner has horses and goats. He said the owner of the property east of this property wouldn't want to do anything about rezoning until Mr. Flannigan had a contract on the property. He doesn't want to put in an offer on the property unless he can use it as agricultural. Mr. Blaise said that spot zoning is not only a concern but it is illegal. He said the procedure would be for the current owner of the property to bring in the request to the Town Board and the Town Board would refer it to the Planning Board. In referring to the Zoning Map Mr. Blaise pointed out that if both parcels mentioned were rezoned they would have a connection to agricultural zoning. Councilwoman Yonchuk said it would seem to be in the current property owner's best interest to request the rezoning. Supervisor Kniffen said they generally don't send anything to the Planning Board unless they are in favor of it, so as not to waste the Planning Board's time. At this point he does not see how they can even discuss it since spot zoning is illegal and this is contingent upon the neighbor and apparently he is not on board at this time. Supervisor Kniffen said if the neighbor agrees he does not have a problem with this. Councilwoman Yonchuk and Councilman Diffendorf agreed. Councilwoman Yonchuk suggested that the current owner talk to the neighbor about this.

AUDIT AND PAYMENT OF CLAIMS:

86-16
Audit/Pay

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, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 5, 2016, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

ADJOURNMENT:

Councilman Weingartner moved to adopt resolution to adjourn the meeting. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

Meeting adjourned at 7:52 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk