

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**September 3, 2019**

A regular meeting of the Kirkwood Town Board was held on September 3, 2019 at 7:15 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: 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:** August 6, 2019 Town Board Meeting

**PUBLIC PARTICIPATION:** None.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:** None.

**OLD BUSINESS:**

Councilwoman Yonchuk moved to adopt resolution scheduling a Public Hearing for October 1, 2019 at 6:00 PM regarding amending the Park Use Local Law relating to the sale of alcoholic beverages. Councilman Diffendorf seconded.

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

129-19  
Sched PH  
Amend Park  
Use LL – Sale  
of Alcoholic  
Beverages

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the purchase and installation of a 25 HP VDF for Transfer Pump by J & R Electric and Alarm, Inc., at a cost not to exceed \$5,980.70, in accordance with the attached quote. Councilman Grubham seconded.

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

130-19  
Purchase  
25 HP VDF  
For Transfer  
Pump  
Water

MOTION CARRIED.

Councilman Grubham moved to adopt resolution ratifying a resolution authorizing Chad Moran to attend Post Disaster Damage Assessment & Code Enforcement Workshop on August 29, 2019 from 9 AM to noon at the Broome County Public Safety Facility at no cost, with all reasonable expenses paid. Councilman Weingartner seconded.

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

131-19  
Ratify  
C. Moran  
Education

MOTION CARRIED.

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**September 3, 2019**

132-19  
C. Moran  
Education

Councilman Weingartner moved to adopt resolution authorizing Chad Moran to attend the 2<sup>nd</sup> Annual Planning One-Day Conference on September 26, 2019 from 10 AM to 3:10 PM at the Taste of New York in Binghamton, at no cost, with all reasonable expenses paid.

Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

133-19  
Sched PH  
Unit  
Assessments  
(Sewer)

Councilwoman Yonchuk moved to adopt resolution scheduling a Grievance Day Hearing for the 2020 Units Assessments on September 24, 2019 at 6:00 PM. Councilman

Diffendorf seconded.

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

MOTION CARRIED.

134-19  
Table  
Siedel  
Rezoning  
Request  
Francis St.

Councilman Diffendorf moved to adopt resolution tabling the Request for Change in Zoning from PUD to B1 at 50 Francis Street, on the request of Lester Siedel. Councilman Grubham seconded.

**Discussion:** Councilwoman Yonchuk questioned if we want to put in the resolution why we are tabling it. Mr. McKertich said I'm fine with the way the motion reads. Someone can communicate with the applicant what the expectation is.

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

MOTION CARRIED.

135-19  
Reappoint  
P. Maciak  
BAR

Councilman Grubham moved to adopt resolution reappointing Peter M. Maciak as Member, Board of Assessment Review for a term to expire September 30, 2024.

Councilman Weingartner seconded.

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

MOTION CARRIED.

136-19  
Appoint C&G  
Legal Counsel  
Olivet Tax  
Litigation

Councilman Weingartner moved to adopt resolution appointing Coughlin & Gerhart, LLP as Attorneys for the Town of Kirkwood, to represent the Town as legal counsel for a matter outside the retainer defending the town in a tax assessment litigation brought by Olivet University at a rate of \$200.00 per hour with fees and charges to be submitted by voucher. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**September 3, 2019**

Councilwoman Yonchuk moved to adopt resolution appointing Coughlin & Gerhart, LLP as Attorneys for the Town of Kirkwood, to represent the Town as legal counsel for a matter outside the retainer defending the Town in a tax Assessment litigation brought by International Paper Company and KAICAM Development, LLC at a rate of \$200.00 per hour with fees and charges to be submitted by voucher. Councilman Diffendorf seconded.

137-19  
Appoint C&G  
International  
Paper Co –  
Kaicam Tax  
Litigation

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 authorizing the Transfer of Funds, in accordance with the attached Budget Adjustment Sheet. Councilman Grubham seconded.

138-19  
Transfer of  
Funds

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing public bidding for a tandem axle truck for the Highway Department, bids returnable September 24, 2019 at noon with bids to be opened at 6:05 PM that evening. Councilman Weingartner seconded.

139-19  
Bid for tandem  
axle truck

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

MOTION CARRIED.

**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 # 19003122 through # 19003258 in the total amount of \$ 678,634.18, which includes prepaid claims as authorized by resolution adopted January 2, 2019. Councilwoman Yonchuk seconded.

140-19  
Audit/Pay

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

MOTION CARRIED.

**OTHER:**

**ELKS FUNDRAISING PROJECT.**

Supervisor Kniffen said the Binghamton Elks Lodge #70 is planning a Major Projects Cruise In, Chicken BBQ and Basket Raffle on Saturday, September 7<sup>th</sup>, 10AM – 2PM. This event helps support their NYS Elks Major Project which includes supporting individuals with disabilities, especially youth with Cerebral Palsy. We will put this on the signboard and our website to try to help them out with what they are trying to do.

**FLOOD EXPENSE REIMBURSEMENT.**

Supervisor Kniffen explained that when we got flooded FEMA paid 75 percent and we were left with 25 percent. In the past the State has helped us out with 12 ½ percent. The flood was in August of 2018 and we have been communicating with Governor Cuomo's local office on numerous occasions questioning if the State was going to do that, and we finally gave up on it. According to Mr. Finch, FEMA was telling him we were going to get the 12 ½ percent and we did, we were notified today. I put a call in today because it sounds to me that the FEMA office in NYS is funding the 12 ½ percent, so it's not really

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**September 3, 2019**

the NYS budget and I would like to understand that more clearly how that happened. That means a lot because our 25 percent is about \$290,000 so now we will only have to pay half of that. That's a big savings to the Town so that's great news.

**JOHNSON ROAD CROSSOVER PIPE.**

Mr. Finch reported the pipe project by Valley Vista was completed last week. The guardrail issue will have to be addressed by the State, because we couldn't drive the spikes in due to the increased size of the culvert underneath it. There is a big gap between the guardrails. There are other issues that John Mastronardi will have to look at.

**ADJOURNMENT:**

Councilman Weingartner moved to adopt resolution to adjourn the meeting.

Councilwoman Yonchuk seconded. All voted in favor.

**MOTION CARRIED.**

Meeting adjourned at 7:31 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk