

**TOWN OF KIRKWOOD
SPECIAL TOWN BOARD MEETING**

December 28, 2021

A special meeting of the Kirkwood Town Board was held on December 28, 2021 at 6:17 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
Jim Smith, Budget Officer

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: December 7, 2021 Town Board Meeting

PUBLIC PARTICIPATION: None

COMMUNICATIONS: None

COMMITTEE REPORTS:

Santa Suit Cleaning.

Councilman Diffendorf reported that Fairview Cleaners donated the cleaning of the Santa suit this year.

Mortgage Tax Money.

Supervisor Grubham reported that the Town received mortgage tax money this past week, which is most likely from the new FedEx building. It was around \$350,000 and \$75,000 was already received earlier in the year. We also need to keep an eye on the sales tax money. We won't get as much next year because we lost population.

Court Revenue.

Supervisor Grubham checked the numbers for the Court revenue and it looks like they will be close to the number we budgeted or maybe a little more. So we are in good shape.

Salt Barn.

Supervisor Grubham stated the salt barn canopy is up and we are right on budget.

Guardrail at Valley Park.

Councilman Shafer commented about the guardrail not being up yet at Valley Park. Supervisor Grubham said the last he heard is that it will be going up this spring.

OLD BUSINESS:

Councilman Diffendorf moved to adopt resolution reappointing Peter M. Maciak to the Zoning Board of Appeals for a term to expire December 31, 2026. Councilman Shafer seconded.

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

148:21
Reappoint
M.Maciak
ZBA

MOTION CARRIED.

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149:21
Reappoint
K.Balachick
PI Bd

Councilman Shafer moved to adopt resolution reappointing Kevin Balachick to the Planning Board for a term to expire December 31, 2026. Councilwoman Legg seconded.

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

MOTION CARRIED.

150:21
Petty Cash

Councilwoman Legg moved to adopt resolution authorizing the continuation of petty cash for 2022, subject to audit by the Budget Director, for the following departments at specified amounts, pursuant to Town Law Section 64, Paragraph 1 (2):

Bookkeeper	\$100
Building & Code Inspector	\$100
DPW Commissioner	\$200 and \$35 for Water Department
Supervisor	\$200
Town Clerk	\$200
Town Justice	\$200
Town Justice	\$200

Councilman Weingartner seconded.

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

MOTION CARRIED

151:21
Agreement for
Towing with
Studer's

Councilman Weingartner moved to adopt resolution authorizing Supervisor to enter into an agreement with Roger Studer d/b/a Studer's Body Shop & Garage, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

152:21
Repair
Payment to
Monroe Tractor

Councilman Diffendorf moved to adopt resolution authorizing payment to Monroe Tractor for the repair of the New Holland TL90 tractor at a cost of \$3,735.98, in accordance with the attached bill. Councilman Shafer seconded.

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

MOTION CARRIED.

153:21
Hire
A.Ellsworth
FT Laborer
W&S

Councilman Shafer moved to adopt resolution hiring Aidan Ellsworth as a permanent full-time Laborer to work in the Water & Sewer Department effective January 1, 2022, at a rate of pay of \$15.00 per hour with benefits. Councilwoman Legg seconded.

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

MOTION CARRIED.

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Councilwoman Legg moved to adopt resolution authorizing Sandy Wasson to attend the 2022 Virtual Training for Newly Elected Town Officials to be held January 6-7, 2022 at a cost of \$75.00. Councilman Weingartner seconded.

154:21
S.Wasson
Education
Newly Elected
Training

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution appointing Martha Nuzzela as Clerk to Justices, effective December 29, 2021, at a rate of pay of \$18.00 per hour, on the advice and consent of the Town Justices. Councilman Diffendorf seconded.

155:21
Appoint
M.Nuzzela
PT Clerk to
Justices

Discussion. Councilman Diffendorf brought a discussion to the table regarding holding interviews if it's already known who is going to be hired before the interview process, specifically with this position. He said he has no issue with Martha Nuzzela, he just feels a decision was made before the interview process. Councilman Weingartner said he was in on the interview process for this particular case and he went in with an open mind and did not decide before the interviews were conducted. Councilwoman Legg said she was there as well and recommended the Kirkwood resident get the job. Councilman Diffendorf said the policy should be changed. There is nothing wrong with knowing who you want to hire. But it puts a lot of stress and pressure on people and wastes their time to go to an interview when they have no chance at getting the job. Supervisor Grubham explained that the policy is in place so there are no complaints. In the past, people were getting hired and no one even knew there was a job opening. If we follow the policy then people can't complain about the process. Councilman Diffendorf disagreed. A long discussion continued on the matter. Councilman Shafer commented that the Town Justice has the right to pick his clerk. Mr. McKertich explained that this position is an office clerk position that will work in the court. It is not a court clerk position.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the Transfer of Funds, in accordance with the attached Budget Adjustment Sheet. Councilman Shafer seconded.

156:21
Transfer of
Funds

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

MOTION CARRIED.

OTHER:

Councilman Shafer had to leave before the meeting ended. Supervisor Grubham thanked Councilman Shafer for filling in this year and giving his time to help the Town of Kirkwood, it was greatly appreciated. All Board members agreed. Councilman Shafer thanked everyone for their support.

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AUDIT AND PAYMENT OF CLAIMS:

157:21
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 # 21001631 through # 21001762 in the total amount of \$ 339,085.60, which includes prepaid claims as authorized by resolution adopted January 5, 2021. Councilman Weingartner seconded.

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

MOTION CARRIED.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 6:36 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk