

**TOWN OF KIRKWOOD  
ORGANIZATIONAL TOWN BOARD MEETING**

**January 4, 2022**

An organizational meeting of the Kirkwood Town Board was held on January 4, 2022 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham  
Councilman Robert Weingartner (via Zoom)  
Councilman William Diffendorf, Jr.  
Councilwoman Sandy Wasson

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

Absent: Councilwoman Katie Legg

**PLEDGE OF ALLEGIANCE:**

**OATH OF OFFICE:**

Just prior to the meeting the Oath of Office was administered to Sandy Wasson for the duly elected position of Councilperson for the Town of Kirkwood for a term to expire December 31, 2022.

**APPROVAL OF MINUTES:** December 28, 2021 Special Town Board Meeting,  
December 28, 2021 (2) Public Hearings

**PUBLIC PARTICIPATION:** None

**COMMUNICATIONS:** Letters of Re-Appointment for Clerks to Justices Full Time and Part Time, and Town Historian.

**Discussion.** Supervisor Grubham complimented Karen Ferguson on the job she has done in the Historian's office, she is doing a great job.

**COMMITTEE REPORTS:**

**PERMA**

Councilman Weingartner reported that the Town is in the 2<sup>nd</sup> year of a two year contract for worker's compensation with PERMA and the contribution dues were just paid. Our claims have gone down which makes our contribution price go down as well.

**Historian.**

Karen Ferguson shared exciting news with the Board regarding the donation of an original State Hospital Employee Handbook from 1949 from Kirkwood resident, Thelma Skinner. The handbook is all handwritten and belonged to Thelma Skinner's mom, Ethel Whitten. Ethel started her employment at the State Hospital in 1949 and worked nights as an attendant and then moved to the beauty shop and eventually retired around 1970.

**Welcome.**

Councilman Weingartner and all that were present welcomed Councilwoman Wasson to the Board.

**OLD BUSINESS:**

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 1-2022 entitled "A Local Law Prohibiting Smoking on All Town-Owned Properties, in accordance with the attached resolution. Councilwoman Wasson seconded.

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

MOTION CARRIED.

1:22  
Adopt  
LL #1  
No Smoking

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2:22  
Adopt  
LL #2  
Amend Sewer  
Rents

Councilwoman Wasson moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2022 entitled “A Local Law Amending the Sewer Rents, in accordance with the attached resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

3:22  
Agreement  
with Zoo

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to enter into an agreement with Southern Tier Zoological Society, Inc., in accordance with the attached agreement. Councilwoman Wasson seconded.

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

MOTION CARRIED.

4:22  
Trailer Park  
Licenses Issued  
Route 11 and  
Loughlin Rd

Councilwoman Wasson moved to adopt resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue licenses for the following mobile home – trailer parks, such licenses are for the year 2022:

Kirkwood Parksites, LLC, 1794 US Route 11, Kirkwood, NY 13795

Owner: Gary N. Johnson

Kirkwood Mobile Home Court, LLC, 41 Loughlin Road, Binghamton, NY 13904

Owners: James and Charles Williamson

Councilman Diffendorf seconded.

**Discussion.** Councilman Diffendorf questioned why the trailer park on Quilty Hill Road is not listed for approval. Supervisor Grubham said he believes the owner is trying to sell the trailer park and it has not been approved by Chad Moran, Code Enforcement Officer, due to violations.

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

MOTION CARRIED

**NEW BUSINESS:**

5:22  
Appoint  
Press Official  
Newspaper  
Courier  
Supplemental

Councilman Diffendorf moved to adopt resolution appointing the Press & Sun-Bulletin as the official newspaper for 2022 and designating The Country Courier, pursuant to Town Law Section 64 (11), as a supplemental newspaper for publication of all legal notices of the Town for 2022, 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. Councilwoman Wasson seconded.

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

MOTION CARRIED

6:22  
M&T  
Depository  
Town Funds

Councilwoman Wasson moved to adopt resolution naming M & T Bank as the depository for town funds for the Supervisor for 2022. Councilman Diffendorf seconded.

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

MOTION CARRIED

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Councilman Diffendorf moved to adopt resolution appointing the Supervisor as Service Officer for 2022. Councilwoman Wasson seconded.

7:22  
Appoint  
Supervisor  
Service Officer

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

MOTION CARRIED

Councilwoman Wasson 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, and First Niagara Bank; 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. Councilman Diffendorf seconded.

8:22  
Supervisor  
Authorized to  
Invest Funds

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

MOTION CARRIED

Councilman Diffendorf moved to adopt resolution establishing reimbursement of expenditures incurred in 2022 as follows:

9:22  
Mileage and  
Expense  
Reimbursement

- Mileage reimbursement at current Federal Government rate for job related travel;
- Attendance at job related meetings not to exceed \$20 per meeting (other than New York City);
- Attendance at job related meetings in New York City at \$88 per day for meals only.

Councilwoman Wasson seconded.

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

MOTION CARRIED

Councilwoman Wasson moved to adopt resolution designating the following Tuesdays of each month as Town Board meeting nights to be held at 6:00 PM at the Joseph A. Griffin Town Hall:

10:22  
Meeting Night  
Designation

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

Councilman Diffendorf seconded.

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

MOTION CARRIED

Councilman Diffendorf 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. Councilwoman Wasson seconded.

11:22  
Voucher  
Submittal

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

MOTION CARRIED

**TOWN OF KIRKWOOD  
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12:22 Councilwoman Wasson moved to adopt resolution establishing hourly rates of pay for  
DPW Pay Public Works personnel for 2022, pursuant to Collective Bargaining Agreement with  
Rates Teamsters 317 effective January 1, 2022 and with rate sheet from DPW Commissioner for  
all union and non-union employees of the DPW. Councilman Diffendorf seconded.

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

MOTION CARRIED

13:22 Councilman Diffendorf moved to adopt resolution establishing hourly rates of pay for  
Independent independent contractors and Board of Assessment Review, in accordance with the attached  
Contractors and resolution. Councilwoman Wasson seconded.  
BAR

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

MOTION CARRIED

14:22 Councilwoman Wasson moved to adopt resolution establishing salaries for all elected and  
Salaries for appointed officials and employees as set forth in the 2022 budget. Councilman Diffendorf  
Elected & seconded.  
Appointed Officials

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

MOTION CARRIED

15:22 Councilman Diffendorf moved to adopt resolution appointing the following persons to the  
Appoint designated positions for 2022, in accordance with the attached resolution. Councilwoman  
Various Wasson seconded.  
Positions

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

MOTION CARRIED

16:22 Councilwoman Wasson moved to adopt resolution authorizing Supervisor to submit to the  
Annual Town Clerk by March 31, 2022, a copy of his Annual Report to the State Comptroller and  
Report directing the Town Clerk to cause a notice to be published within ten (10) days after  
Due Date receipt of said report in the official newspaper and supplemental newspaper of the town  
that a copy of such report is on file and available for inspection in Town Clerk's office.  
Councilman Diffendorf seconded.

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

MOTION CARRIED

17:22 Councilman Diffendorf moved to adopt resolution authorizing the payment of utility bills,  
Prepay Utility town real property tax bills and postage prior to audit pursuant to Town Law Section  
and Property 118 (2). Councilwoman Wasson seconded.  
Tax Bills

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

MOTION CARRIED

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Councilwoman Wasson moved to adopt resolution reaffirming and re-adopting resolutions establishing the Procurement Policy adopted December 6, 1994 and revised December 3, 2013 and the Investment Policy adopted July 3, 1993. Councilman Diffendorf seconded. 18:22  
Procurement  
and Investment  
Policy

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

MOTION CARRIED

Councilman Diffendorf moved to adopt resolution authorizing the Commissioner of Public Works to purchase equipment and tools not to exceed a total of \$2,000.00 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. Councilwoman Wasson seconded. 19:22  
DPW  
Equipment  
Purchases

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

MOTION CARRIED

Councilwoman Wasson moved to adopt resolution pursuant to Section 123 of the Town Law engaging Budget Officer James R. Smith, CPA to make an annual audit of the books and records of each person who as a town officer or employee received or disbursed any moneys in calendar year 2021. In addition, the Budget Officer is authorized to engage an independent CPA firm to make an annual audit of each Town Justice for the calendar year 2021 including the criminal and civil dockets to determine that the fines and fees shown thereon have been collected and have been turned over to the proper officials as required by law. The target completion date for the internal annual audits described here-in is May 31, 2022, subject to COVID Virus disruptions. If an external town wide audit should be required due to the Federal Award assistance, the Justice Court audit portion may be included with those services along with related prescribed compliance deadlines under OMB Circular A-133. Councilman Diffendorf seconded. 20:22  
J.Smith Budget  
Officer to  
Audit Books

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

MOTION CARRIED

Councilman Diffendorf moved to adopt resolution reappointing John Mastronardi of Griffiths Engineering as the Stormwater Management Officer for the year 2022. Councilwoman Wasson seconded. 21:22  
Reappoint  
J.Mastronardi  
Stormwater  
Management  
Officer

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

MOTION CARRIED

Councilwoman Wasson moved to adopt resolution appointing William Diffendorf as Safety Officer for the year 2022 at an annual salary of \$1500. Councilman Weingartner seconded. 22:22  
Appoint  
W.Diffendorf  
Safety Officer

Roll Call Vote:      Councilman Diffendorf      - abstain  
                         Councilwoman Wasson      - yes  
                         Councilman Weingartner      - yes  
                         Supervisor Grubham      - yes

MOTION CARRIED

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23:22 Councilman Diffendorf moved to adopt resolution reappointing Marc Latini as Temporary  
Reappoint Ad Hoc Member of the Zoning Board of Appeals, pursuant to Local Law No. 11-1986; to  
M.Latini be compensated at \$30.00 per meeting attended, upon submission of a voucher to the  
Temp ZBA Town Clerk. Councilwoman Wasson seconded.  
Ad Hoc

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

MOTION CARRIED

24:22 Councilwoman Wasson moved to adopt resolution reappointing Peter M. Maciak and  
Reappoint Matthew Williams as Temporary Ad Hoc Members of the Planning Board, pursuant to  
P.Maciak & Local Law No. 11-1986; to be compensated at \$30.00 per meeting attended, upon  
M.Williams submission of a voucher to the Town Clerk. Councilman Diffendorf seconded.  
Temp Pl Bd Ad Hoc

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

MOTION CARRIED

25:22 Councilman Diffendorf moved to adopt resolution approving the Standard Work Day and  
Approve Reporting Resolution for Elected and Appointed Officials for Walter G. Woolbaugh as  
Standard Work Member of the Planning Board, in accordance with the attached resolution. Councilwoman  
Day Wasson seconded.  
W.Woolbaugh

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

MOTION CARRIED

26:22 Councilwoman Wasson moved to adopt resolution appointing Melissa Dewalt as Deputy  
Appoint Town Clerk starting January 5, 2022 at a salary of \$8,024 per year. Councilman Diffendorf  
M.DeWalt seconded.  
Deputy  
Town Clerk

**Discussion.** Councilman Diffendorf asked if interviews were conducted and how many applicants were interviewed. Kelley Diffendorf explained that four people were interviewed, five were scheduled but one did not show up. All the applicants were from Kirkwood and it was a hard decision because they all were very good.

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

MOTION CARRIED

27:22 Councilman Diffendorf moved to adopt resolution reappointing Karen A. Ferguson as  
Reappointing Town Historian for the year 2022. Councilwoman Wasson seconded.  
K.Ferguson  
Town Historian

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

MOTION CARRIED

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**AUDIT AND PAYMENT OF CLAIMS:**

Councilwoman 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 # 21001763 through # 22000004 in the total amount of \$ 130,063.41, which includes prepaid claims as authorized by resolution adopted this date. Councilman Diffendorf seconded.

28:22  
Audit/Pay

Roll Call Vote:        Councilman Diffendorf        - yes  
                             Councilwoman Wasson        - 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 6:26 PM

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk