

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

February 1, 2022

A regular meeting of the Kirkwood Town Board was held on February 1, 2022 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham
Councilman William Diffendorf, Jr.
Councilwoman Katie Legg
Councilwoman Sandy Wasson
Councilman Robert Weingartner

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

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: January 4, 2022 Organizational Town Board Meeting

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Dog Control Report.

Councilwoman Legg reported numbers from the January Dog Control Report. A copy is filed in the Town Clerk's office.

Reserve Fund Packet.

Supervisor Grubham handed out a packet regarding the reserve fund. He wants the Board to look it over as it will be discussed at the next work session.

Highway Garage Project.

Supervisor Grubham found out more information on the grant application for the highway garage funding after listening to a webinar. The Town needs to submit the grant application to the State by April 1, 2022, after that the State needs to submit their portion by August 1, 2022. The Town most likely will not have an answer regarding this grant until the end of the year.

OLD BUSINESS:

Councilman Diffendorf moved to adopt resolution accepting the Recertification of the Record of Activities for James R. Smith, Budget Officer PT, for the year 2022, in accordance with the attached Recertification. Councilwoman Wasson seconded.

29:22
Retirement
Recertification
J. Smith
Budget Officer

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

MOTION CARRIED.

Councilwoman Wasson moved to adopt resolution accepting the Recertification of the Record of Activities for Cynthia French, Dog Control Officer, for the year 2022, in accordance with the attached Recertification. Councilwoman Legg seconded.

30:22
Retirement
Recertification
C.French
DCO

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

MOTION CARRIED.

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31:22
Real Property
Tax Exemptions
Assessor

Councilwoman Legg moved to adopt resolution authorizing the Assessor to renew certain real property tax exemptions without an application for the year 2022, in accordance with the attached resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

32:22
Agreement with
Broome County
Dog Control
Services

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to enter into an agreement with Broome County for dog control services for a term to expire December 31, 2027, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

33:22
Agreement with
Viera & Assoc.
Town Court
Audit

Councilman Diffendorf moved to adopt resolution authorizing the Supervisor to enter into an agreement with Viera & Associates CPAs, P.C., regarding the Town Court Audit for the year ending December 31, 2021 at a cost not to exceed \$ 5,400, in accordance with the attached agreement. Councilwoman Wasson seconded.

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

MOTION CARRIED.

34:22
Grant
New Highway
Garage

Councilwoman Wasson moved to adopt resolution authorizing Griffiths Engineering to complete the DR-4480 Hazard Mitigation Grant Program (HMGP) Funding application to apply for funding to build a new highway garage, at a cost not to exceed \$10,000.

Councilwoman Legg seconded.

Discussion. Councilwoman Legg wanted to make it clear that she would be voting to approve the grant application, not approving to build a new highway garage at this point. With this being such a big project and a possible tax increase to residents, she has many questions about the grant and project and would like to get more information before going forward with anything other than the grant. Supervisor Grubham explained that this resolution is to submit the grant application only, we can ask John Mastronardi to give an overview of the grant in March. Supervisor Grubham continued by saying that he is looking into other options to help with any outstanding balance that the grant may not cover. But in the end, the Board may not be interested in this project or the grant may not come through.

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

MOTION CARRIED.

35:22
C.Moran
Education
Code

Councilwoman Legg moved to adopt resolution authorizing Chad Moran to attend STBOA training on February 16, 2022 at the Sidney Fire Station at a cost of \$35.00 and all reasonable expenses paid. Councilman Weingartner seconded.

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

MOTION CARRIED.

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Councilman Weingartner moved to adopt resolution authorizing Wach and Roll Painting to paint the inside of the Town Hall at a cost not to exceed \$9,700, in accordance with the attached quote. Councilman Diffendorf seconded.

36:22
Painting Inside
of Town Hall

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Warehouse Carpet Outlets, Inc., to replace the carpet on the Town Hall side and replace the tiles in the bathroom, at a cost not to exceed \$10,000, in accordance with the attached quotes. Councilwoman Wasson seconded.

37:22
Replace Carpet
and Tile
Town Hall

Discussion. Supervisor Grubham noted that not every room will be carpeted at this time. Areas included are the meeting room, lobby, hallway, Supervisor's office, and Mary Kay Sullivan's office. This money is coming out of the Town Hall Reserve fund.

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

MOTION CARRIED.

Councilwoman Wasson moved to adopt resolution authorizing the purchase of a Kubota ZD1211L-3-72 mower, to replace the 2018 Kubota mower, at a cost not to exceed \$15,279.22, in accordance with the attached quote. Councilwoman Legg seconded.

38:22
Purchase
Kubota Mower
Parks

Discussion. The extended warranty discussed at the work session is not needed and not included in the quote.

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

MOTION CARRIED.

NEW BUSINESS:

Councilwoman Legg moved to adopt resolution scheduling a Public Hearing for February 22, 2022 at 6:00 PM regarding a Local Law Amending the Real Property Tax Exemption for Cold War Veterans. Councilman Weingartner seconded.

39:22
Schedule PH for
LL #3
Cold War Vets
Exemption

Discussion. Supervisor Grubham explained this law expired this year, it was put into effect ten years ago and well worth extending it.

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

MOTION CARRIED.

COURT INQUIRIES DISCUSSION:

Councilman Weingartner explained to the Board about inquiries he has been receiving regarding the Town Court. The first item discussed was Judge Ward Coe wintering in Florida for the months of January, February, and March and still receiving his full pay. The court has pretrial on the first and third Wednesday of each month. In January he came back to attend court on the 19th, in February he will not be coming back at all, and in March he is scheduled to come back on the 16th. So, he will only be working two days in three months. This is in addition to the time he spent in Florida in November. Councilman Weingartner expressed that he is all in favor of someone taking a vacation but I am not in favor of someone taking advantage of our tax payers by living someplace else and getting paid by the Town of Kirkwood. He was voted in by Kirkwood residents to be the justice

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and for a quarter of the year he is not going to be here. His salary is \$44,500 for this year, which is \$3,700 a month. If you times that by the three months mentioned he is getting paid \$11,100 for two days of work. Councilman Weingartner does not think this is right. In the meantime, Justice Jeff Hawkes comes in every day to take care of his affairs.

Councilman Weingartner brought up the second item for discussion, Justice Ward Coe having his cell phone paid for by the Town. Cell phones are not needed any longer for the Justices due to central arraignments. All arraignments are done through a centralized location to the jail. They are not done at the court and the justices are not in an on call position any longer. Councilman Weingartner mentioned he is very familiar with these changes because of the years his father was a Town Justice.

Councilman Weingartner looked to Mr. McKertich for advice in this matter since he was told there is nothing that can be done about this. Mr. McKertich mentioned he would prefer to discuss the legal aspect of this in an attorney/client session.

Justice Ward Coe's term expires December 2022.

Councilman Diffendorf asked how anything is getting done if Justice Ward Coe is not there. Councilman Weingartner replied that pretrial won't get scheduled for him or they will put it off. Justice Jeff Hawkes will have to pick up some of the extra work. Councilman Diffendorf inquired about procedures and wanted to know how the court is being run on just a couple days a month. Councilman Diffendorf said he does not understand this, and all nodded with agreement. The justices are getting paid a lot of money if in fact we only need them a couple days a month. Supervisor Grubham agreed with everything that has been discussed and noted that the Kirkwood justices are paid way more than any other justice in the county. Other towns have commented on this as well.

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 # 22000004 through # 22000139 in the total amount of \$849,316.61, which includes prepaid claims as authorized by resolution adopted January 4, 2022. Councilman Diffendorf seconded.

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

MOTION CARRIED.

OTHER:

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to hold an attorney/client meeting for legal advice. Councilwoman Wasson seconded. All voted in favor.

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 6:40 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk

40:22
Audit/Pay

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