

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

March 1, 2022

A regular meeting of the Kirkwood Town Board was held on March 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
Jim Smith, Budget Officer

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: February 1, 2022 Town Board Meeting and
February 22, 2022 Public Hearing

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: Retirement letter from Jeffrey Hawkes, Town Justice
Discussion. Supervisor Grubham mentioned that the open Justice position will be up for election this year. There is at least one person running for the open position. At some point it will need to be decided if someone should be appointed to that position until the election. Councilman Weingartner suggested that it may be a good idea to appoint someone since Judge Coe is living in Florida for the next month and a half. Judge Coe's position is up for election as well.

Supervisor Grubham responded to Councilman Diffendorf's inquiry that there is still time to get on the ballot, but not sure on the exact deadline. The petitions are being handed out this Saturday for Republican candidates according to Councilwoman Legg. With two open positions it is unclear if the candidates will be running for a specific opening, such as Judge Hawkes position only, or if it would be the two candidates with the most votes to fill both positions. It also could depend on how many people run. Justice Hawkes term was due to expire in 2024 and Judge Coe's term ends this year. Also questioned was if the person that fills Judge Hawkes position fills out the remainder of his term to 2024 or if it's a brand new term of 4 years. Mr. McKertich is looking into the details on this matter. Councilman Weingartner said he prefers the judges have different election years if that is possible.

Councilman Diffendorf noted that there will not be a judge available after March 16, 2022. Supervisor Grubham said we have a judge, Judge Coe should be able to take care of it all. There has been only one judge (Judge Hawkes) doing the work for some time now. Councilman Diffendorf asked when Judge Coe would be back in town, Councilman Weingartner responded that he heard it would be mid-April.

COMMITTEE REPORTS:

Cleanup Day.

Councilwoman Wasson reported the Beautification Committee would like to hold another Town Cleanup Day on Saturday, April 23, 2022. The Highway department will supply the garbage bags and all the garbage can be thrown in the dumpster behind the Town Garage. It will be advertised in hopes of a large community turnout.

Veterans River Park Gate.

Councilwoman Wasson relayed messages to John Finch from residents asking why the River Park gate is open but it is not plowed. John Finch explained that is the nicest park in the Town and he doesn't want to risk damaging the grass by trying to plow the walking track. Supervisor Grubham agreed that it's a difficult park to plow. Unfortunately people complained when the gates were closed so it is left open and if the weather permits people are welcome to use it.

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Plowing of Town Roads.

The Highway department was complemented on how well the roads were plowed during this past snow/ice storm.

Liability Insurance.

The liability package with IOA has come in with an increase of \$1,400 which is a 1.78% increase. The valuation of our property has increased which is one reason why our premiums have increased.

Paving Projects for 2022.

Supervisor Grubham suggested it would be a good idea to wait on most or all of the paving projects due to the current price of oil. The cost is continually increasing and the original prices we were quoted are no longer valid. Overspending on these projects is not a good idea, there is too much uncertainty right now. Councilman Weingartner asked if the money needed to be spent within a certain budget year. Supervisor Grubham said it can be held over. John Finch said he believes the PaveNY and Winter Recovery money need to be used this year. The CHIPs budget may increase by 20% this year, which means about \$250,000 for the Town. John Finch felt the money should be used this year and certain roads cannot be ignored. Supervisor Grubham explained that it was up to the Board to decide if the roads can be put on hold, otherwise that is asking the taxpayers to pay way more for the roads than they should be. The Board agreed to wait on completing any paving projects. John Finch is going to find out what money can be held over and what money needs to be spent in 2022.

OLD BUSINESS:

41:22
Adopt LL#3
Property Tax
Exemption
Cold War Vets

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 3-2022 entitled "A Local Law Amending the Real Property Tax Exemption for Cold War Veterans, in accordance with the attached resolution. Councilwoman Wasson seconded.

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

MOTION CARRIED.

42:22
Retirement
Recertification
W.Diffendorf
Safety Officer

Councilwoman Wasson moved to adopt resolution accepting the Recertification of the Record of Activities for William Diffendorf, Jr., Safety Officer, for the year 2022, in accordance with the attached Recertification. Councilwoman Legg seconded.

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

MOTION CARRIED.

43:22
Five Mile Point
Fire Co Roster

Councilwoman Legg 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 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, 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 license is for the year 2022:

Quilty Hill Mobile Home Park, 49 Quilty Hill Road, Kirkwood, NY 13795
Owner: Illinois Parks, LLC

44:22
Trailer Park
License
Quilty Hill

Councilman Diffendorf seconded.

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 advertising for Sealed Bids for the Upper Court Street Sanitary Sewer Replacement Project, with bids returnable to the Town Clerk’s Office on March 30, 2022 at 11:00 AM, and to be publicly opened and read at that time. Councilwoman Wasson seconded.

45:22
Bids for
Upper Court
Sewer
Replacement
Project

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 Supervisor to sign the Municipal Cleanup Day Tip Fee Waiver Application, in accordance with the attached application. Councilwoman Legg seconded.

46:22
Agreement
Municipal
Cleanup Day
DPW

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution scheduling a Public Hearing for March 29, 2022 at 6:00 PM regarding a proposed Local Law Affecting a Temporary Moratorium Within the Town of Kirkwood on the Development and Construction of Solar Energy Systems and Wind Energy Conversion Systems. Councilman Weingartner seconded.

47:22
Schedule PH
for LL#4
Solar and Wind
Energy

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution scheduling a Public Hearing for March 29, 2022 at 6:05 PM regarding a proposed Local Law Affecting a Temporary Moratorium Within the Town of Kirkwood on Battery Energy Storage Systems.

48:22
Schedule PH
for LL#5
Battery Energy
Storage

Councilman Diffendorf 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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49:22
Inspections on
Water Tanks
W&S

Councilman Diffendorf moved to adopt resolution authorizing Liquid Engineering Corporation to provide interior and exterior inspections of the Highland Heights, Johnson Road, North Sunset, and Stratmill Road water tanks, at a cost not to exceed \$4,100, in accordance with attached quote. Councilwoman Wasson seconded.

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

MOTION CARRIED.

50:22
Repair to
Post Office
Garage Door

Councilwoman Wasson moved to adopt resolution authorizing Overhead Door Company of Binghamton to repair the Post Office Garage Door, at a cost not to exceed \$2,060.52, in accordance with the attached quote. Councilwoman Legg seconded.

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

MOTION CARRIED.

51:22
Fuelcard Credit
Application
DPW

Councilwoman Legg moved to adopt resolution authorizing the Supervisor to sign the Mirabito Fleet Fuelcard Credit Application, in accordance with the attached application. Councilman Weingartner seconded.

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

MOTION CARRIED.

52:22
Bids for New
Highway Truck

Councilman Weingartner moved to adopt resolution authorizing advertising for Sealed Bids for the purchase of a new 10-wheel dump truck, with bids returnable March 15, 2022 at 12 Noon, and be publicly opened and read at that time. Councilman Diffendorf seconded.

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

MOTION CARRIED.

53:22
Schedule
Special Board
Meeting

Councilman Diffendorf moved to adopt resolution scheduling a Special Town Board Meeting for March 16, 2022 at 6:00 PM. Councilwoman Wasson seconded.

Discussion. The special meeting is being held to discuss and vote on purchasing the new highway truck.

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

MOTION CARRIED.

OTHER:

Discussion - Reserve Funds.

Supervisor Grubham presented the Reserve Funds list along with possible changes to make the list more current. This list is on file in the Town Clerk's office. The items that will remain on the list include: Liability & Casualty Reserve, Sign Reserve Fund, Personal Computer Reserve, Park Development Reserve, Town Building Reserve, Tennis Court Repair Reserve, Public Works Garage Reserve, and Contingency & Tax Stabilization.

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The Park Land Reserve item will be closed and that money will be spread out to Park Development Reserve and Tennis Court Repair Reserve. This item was originally set up to increase the size of our parks or purchase more park area. The Senior Citizen Reserve Fund will also be closed. Originally the plan was to use money from this fund to buy the senior citizen group a building. This money will go into the Tennis Court Repair Reserve fund.

The Public Works Garage Reserve fund will get some of the mortgage tax money that the Town received this year. This will help with a new highway garage if the upcoming grant is awarded to Kirkwood.

The General Reserve Fund will be a new item that would be funded with the remaining mortgage tax money. This money can be used for a variety of things as needed.

Mr. McKertich explained a resolution and other procedural requirements are required when closing a reserve fund and using the money for a reason that is different than why the reserve was originally created. The same is also needed when creating a new reserve fund. There are two different types of reserve funds, the “type” reserve and the “specific” reserve. The specific reserve fund requires a resolution and permissive referendum at the time of creation and the type reserve fund requires a resolution and permissive referendum at the time of spending the money. Mr. McKertich is going to look into each reserve to verify they were specific reserves. Councilman Diffendorf and Jim Smith both believe they are specific reserve funds and the money could be used as needed, but if we deviate from what the original intention was then a permissive referendum is needed. The two deviations are the two reserve funds that are going to be closed.

Councilman Weingartner stated that when creating the new General Reserve Fund it should be a specific reserve fund so the money can be spent when needed. Although having it labeled as general insinuates it’s a type reserve fund. Then a permissive referendum would need to be done every time money needs to be spent.

Mr. McKertich is going to put something together for the closure of the two reserve funds mentioned. The General Reserve Fund will take some thought so it can be used for specific items with flexibility.

Supervisor Grubham noted that the sales tax money is still available and he is holding off on putting it anywhere until the results come in from the first and second quarter of this year. Since the population dropped with the 2020 census we will be losing a percentage of our sales tax money this year so we may need last year’s money to cover that loss. Time will tell and decisions can be made once the numbers come in.

NEW BUSINESS:

Councilwoman Wasson moved to adopt resolution authorizing the Supervisor to sign the Engagement Letter with Johnson, Lauder & Savidge, LLP, dated January 2, 2022, in accordance with the attached letter. Councilwoman Legg seconded.

54:22
Engagement
Letter
Budget Officer

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

MOTION CARRIED.

DISCUSSION:

Judge Ward Coe’s Phone Bill. Supervisor Grubham referred the Board to their copies of Judge Coe’s phone bill, which is paid by the Town. It appears about 14% of the calls made on his cell phone were related to court business. Councilman Weingartner said there is no need for a Town paid cell phone because there are no longer arraignment calls at all hours of the day and night, it is all done through central booking. If he happens to be out of town by his own volition and needs to call the court the Town should not be paying for that. It’s a waste of money. It’s a phone the Town pays for and he uses it for his own personal use, you can look at the bill and see it. Councilman Diffendorf agrees that he doesn’t need a cell

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phone, and doesn't think he makes business calls from home. Judge Hawkes does not have a Town paid cell phone.

Supervisor Grubham explained that the Town does not own the actual cell phone, but does pay for the phone service. Judge Coe will be notified that we plan to stop paying for his service.

Supervisor Grubham explained the original reason for paid cell phones was because the Judges would get calls during off hours for arraignments to meet the police at the Town Hall. Councilman Weingartner concurred with Supervisor Grubham but reiterated that the arraignments calls have stopped over the past 6-8 years due to central booking through the County. Supervisor Grubham will verify there is no cell phone policy recorded in the policy book.

AUDIT AND PAYMENT OF CLAIMS:

55:22
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 # 22000140 through # 22000270 in the total amount of \$300,225.54, which includes prepaid claims as authorized by resolution adopted January 4, 2022. Councilman Weingartner seconded.

Discussion. Councilman Diffendorf inquired about the money that is being paid back to Gorick regarding the property that had the hotel on it. Jim Smith reported that the water and sewer units had not been reset to vacant land once the hotel was taken down in March 2020. Gorick had already paid this year's taxes and the sewer bill was levied on to those. So we are correcting that. Jim Smith said he is getting that money directly back, it should not have been in the levy had it been caught in time. Therefore to be fair, Jim Smith looked up the 2021 numbers and the change was put forth, but it only registered on water not sewer so that had to be reimbursed. The County needs to be notified of this as well.

Roll Call Vote:	Councilman Diffendorf	- yes
	Councilwoman Wasson	- yes
	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 6:54 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk