

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

April 5, 2022

A regular meeting of the Kirkwood Town Board was held on April 5, 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: March 16, 2022 Special Town Board Meeting and
(2) March 29, 2022 Public Hearings

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Dog Control Report.

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

OLD BUSINESS:

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 4-2022 entitled "A 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", in accordance with the attached resolution.

57:22
Adopt LL #4
Solar and Wind
Energy Systems

Councilwoman Legg seconded.

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, after a Public Hearing, adopting Local Law No. 5-2022 entitled "A Local Law Affecting a Temporary Moratorium Within the Town of Kirkwood on Battery Energy Storage Systems, in accordance with the attached resolution. Councilman Weingartner seconded.

58:22
Adopt LL #5
Battery Energy
Storage Systems

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 appointing Stephen Barkwell as a Member of the Board of Assessment Review for a term to expire September 30, 2022. Councilman Diffendorf seconded.

59:22
Appoint
S.Barkwell
BAR

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

MOTION CARRIED.

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60:22 Councilman Diffendorf moved to adopt resolution appointing Karen Myers as a Member
Appoint of the Board of Assessment Review for a term to expire September 30, 2027.
K.Myers Councilwoman Legg seconded.
BAR

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

MOTION CARRIED.

61:22 Councilwoman Legg moved to adopt resolution authorizing the Binghamton Elks Lodge
Elks Lodge #70 to run the beer tent at the 2022 Kirkwood Town Fair, subject to approval from the
Run Beer Tent New York State Liquor Authority. Councilman Weingartner seconded.
Kirkwood Fair

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

MOTION CARRIED.

62:22 Councilman Weingartner moved to adopt resolution authorizing the Supervisor to sign the
Agreement Landlord Authorization Form regarding the request from Binghamton Elks Lodge #70 to
Landlord Form run the beer tent at the 2022 Kirkwood Town Fair, at Veterans River Park, in accordance
Beer Tent at with the attached Landlord Authorization Form. Councilman Diffendorf seconded.
Kirkwood Fair

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

MOTION CARRIED.

63:22 Councilman Diffendorf moved to adopt resolution pursuant to Not-For-Profit Corporation
Approve Roster Law Section 1402 (c)(3) approving the Membership Roster for Kirkwood Fire Company,
Station #1 with the understanding that the members so approved will be assigned for which they have
been qualified, in accordance with the attached roster. Councilwoman Legg seconded.

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

MOTION CARRIED.

64:22 Councilwoman Legg moved to adopt resolution transferring unexpended Funds from the
Close Senior Citizen Center Reserve Fund and Closing the Senior Citizen Center Reserve Funds,
Senior Citizen Reserve Fund in accordance with the attached resolution. Councilman Weingartner seconded.

Discussion. This will be put up for permissive referendum after it has been voted on.

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

MOTION CARRIED.

65:22 Councilman Weingartner moved to adopt resolution transferring unexpended Funds from
Close the Park Land Reserve Fund and Closing the Park Land Reserve Fund, in accordance with
Park Land Reserve Fund the attached resolution. Councilman Diffendorf seconded. (Permissive Referendum also)

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 Diffendorf moved to adopt resolution declaring as surplus and authorizing the sale of a 2021 Chevrolet Silverado 2500 truck on Auctions International in the amount of \$51,200. Councilwoman Legg seconded.

66:22
Sale of
2021 Chevy
Silverado 2500
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 authorizing the purchase of a 2022 Chevrolet Silverado 1500 truck from Robert Green Truck, Inc., at a cost not to exceed \$46,053.13. Councilman Weingartner seconded.

67:22
Purchase 2022
Chevy Silverado
1500
DPW

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 authorizing repairs to Veterans River Park Baseball Field Fence by U&W Fence Company, Inc., at a cost not to exceed \$4,565, in accordance with the attached quote. Councilman Diffendorf seconded.

68:22
Repair Fence
Baseball Field
River Park

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 changing Water Meter Billing Software from Edmunds to Munibilling at a cost of \$5,990.27 plus \$495.00 per month for support and maintenance, in accordance with the attached proposal. Councilwoman Legg seconded.

69:22
Withdrawn
New Billing
System
W&S

Discussion. Supervisor Grubham and Councilman Diffendorf inquired about the cost of the new system, which is about \$3,500 more each year. John Finch gave a description of the problems his department has been dealing with while using Edmunds. He also mentioned the positives of what Munibilling could do to help improve the billing process. John Finch provided a packet with all the pertinent information regarding the differences between the two systems, along with quotes from other companies that did not meet all the desired requirements. That packet is on file in the Town Clerk's office. Councilman Weingartner agreed an upgrade would be beneficial and bring the system to the 21st century. Councilwoman Wasson inquired about the initial startup fee that would add to the original cost mentioned in the resolution. After hearing the total cost of installing and upgrading the Munibilling system Councilwoman Legg was unsure if it was cost effective. Councilman Diffendorf said he could not support this as it would eventually go back on the tax payers. There was a long discussion by the Board and it was decided that John Finch would find out if Edmunds had an upgrade available to make the system more user friendly and get a price if that was an option. Supervisor Grubham recommended to hold this resolution over so more questions can be answered.

MOTIONS WITHDRAWN.

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70:22
Trade Kubota
Mower for
John Deere
Mower
Parks

Councilwoman Legg moved to adopt resolution to declare as surplus the Kubota Zero Turn Mower (Model # ZD1211L, Serial # 23907) and to authorize the Superintendent of the Department of Public Works to trade said mower to Good Sheppard Village at Endwell in exchange for a John Deere Zero Turn Mower (Model # 4TNV84T-DJWM, Serial # CH4020T207291). Councilman Weingartner seconded.

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

MOTION CARRIED.

71:22
Pay Increase
A.Ellsworth
W&S

Councilman Weingartner moved to adopt resolution authorizing a Pay Increase for Aidan Ellsworth, Laborer, to \$17.50 per hour, effective April 6, 2022. Councilman Diffendorf seconded.

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

MOTION CARRIED.

NEW BUSINESS:

72:22
Appoint
T.Grubham
BAR

Councilman Diffendorf moved to adopt resolution appointing Todd Grubham as a Member of the Board of Assessment Review for a term to expire September 30, 2025. Councilwoman Legg seconded.

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

MOTION CARRIED.

73:22
Education
J.Smith
Budget

Councilwoman Legg moved to adopt resolution approving James R. Smith, Budget Officer, to attend the Town Finance School, May 16-17, 2022 at the Albany Marriott Hotel, Albany, NY, at a cost of a \$200 registration fee and \$114.00 for the hotel room, with 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.

74:22
Agreement
Addendum
Court Audit

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to sign the Addendum to the Vieira & Associates CPAs, P.C. agreement regarding the Town Court Audit for the year ending December 31, 2021 to include the first three months in 2022, due to the retirement of Judge Hawkes in March 2022, at no additional charge, 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.

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Discussion. Springer Road.

John Finch explained that the original cost to pave Springer Road was \$176,446.75 but with the current state of inflation (on all fronts of this project) the current cost would be around \$200,000. The road is in bad shape and another winter without a fix will just worsen the condition and possibly cost more in the long run. John Finch is recommending using CHIPs money to offset the extra fees from inflation.

John Finch mentioned that some roads will have to wait this year due to the price increases. With that said, some of Ostrum Road is in dire need of repair. The bottom of Ostrum road from Route 11 to Colton Avenue, and just above Ruth Street about 200-300 feet to the knoll. John Finch would like to mill those sections and put in 2 inches of a blacktop base, then in 5 or 6 years oil and stone it when it starts to crack.

Supervisor Grubham asked the Board to think about these projects, do we want to overpay now or wait and see if things change. Waiting could cause more work and money in the long run. After a short discussion, all Board members were in agreement to complete the Springer Road and Ostrum Road projects as proposed at this meeting.

Supervisor Grubham found out the Link Drive is a federal highway and is looking into getting money to pave that through the Federal Highway Fund. That would save the Town money since it was on the original list as needing to be repaired.

Councilman Diffendorf moved to adopt resolution authorizing the purchase of a new Vaughan Pump for the pump station on Francis Street, from GP Jager, Inc., at a cost not to exceed \$24,998.40, in accordance with the attached quote. Councilwoman Legg seconded.

75:22
Purchase Pump
Francis Street
Station
W&S

Discussion. John Finch explained that one of the two chopper pumps at this pump station went bad last week. Both pumps at that station are approximately 17 years old. The pump station is working with one pump at this time, but we need to have a second pump ready to go for future issues. It would be a big problem if the one remaining pump went down, it was repaired about five years ago and is working well right now. New pumps are currently on an 18-20 week backorder status. Getting one as soon as possible is important. If we lose the other pump we can run a bypass if needed. John Finch mentioned he would like to get another new pump next year as well, so both pumps are new and up to date.

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 authorizing William J. Diffendorf to attend the PERMA's 2022 Annual Member Conference on May 26-27, 2022 at the Sagamore Hotel & Resort in Bolton Landing, NY, with all reasonable expenses paid. Councilman Weingartner seconded.

76:22
Education
W.Diffendorf
PERMA/Safety

Discussion. Councilman Diffendorf said the only cost would be his transportation getting there and back. He is unsure if he is going but wanted to have authorization in case it worked out.

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

MOTION CARRIED.

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AUDIT AND PAYMENT OF CLAIMS:

77:22
Audit/Pay

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 # 22000271 through # 22000420 in the total amount of \$ 383,052.90, 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:

State of the County Address Overview featuring Robin Laabs on behalf of Executive Jason Garnar.

Supervisor Grubham welcomed Broome County Director of Purchasing Robin Laabs to the meeting. Robin Laabs noted the past two years have been challenging for everyone and expressed her gratitude to all Broome County employees for their hard work and dedication. Some of the talking points discussed were: new emergency response playbook, projects the American Rescue Plan has allowed, new business growth, low unemployment rates, historic sales tax revenues, road and bridge work, upgrades to County Parks, housing market, public safety, new communication network, school bus safety, community clean up events, mental health programs for elementary students, food pantries in schools, and a Medicare advantage prescription drug program.

Supervisor Grubham asked Robin Laabs if the County would take on the task of getting broadband internet to all parts of the County. Many outlying areas struggle with quality internet service. Robin Laabs believes the Office of Emergency Services would be heading up that task but would be sure to find out more and get back to Supervisor Grubham.

Supervisor Grubham thanked Robin Laab for joining the meeting and for the latest information on the County.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 7:07 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk