

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**February 6, 2024**

A regular meeting of the Kirkwood Town Board was held on February 6, 2024 at 6 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

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

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

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** January 2, 2024 Organizational Town Board Meeting

**PUBLIC PARTICIPATION:**

Cheryl Coolbaugh of Blakeslee Road asked the Board if the outside lights could be turned on in the evening at the Post Office since the lobby is open 24 hours to access the post office boxes. She felt it was a safety concern to not have the lights on because of how dark it can be at times. Supervisor Grubham agreed there should be lights on at night and will take care of it.

Lisa Batzel of William Street inquired if the public hearing regarding the warehouse project at the racetrack site was still on schedule. Supervisor Grubham reported the public hearing has been postponed, with a possible date of March 14, 2023, but still not confirmed. The Town does not have all the information it needs to move forward. As soon as a date is decided the public will be notified as usual.

Lisa Batzel also questioned the rezoning of the racetrack site and the difference between a light industrial zone option and an industrial zone option. Mr. McKertich explained the Town of Kirkwood does not have a light industrial district, although some other towns do, Kirkwood just has an industrial district. The local law to rezone these properties (warehouse project site) is being looked at and if the properties are rezoned to industrial the law would limit the types of industrial uses that could be conducted on those particular property sites. All of this would be spelled out within the local law itself.

Charles Fenson, an Engineer working at 300 Nolan Road in Kirkwood, spoke to the Board about issues he had with the Kirkwood Code Enforcement Officer, Chad Moran. Mr. Fenson alleged that Chad Moran trespassed on the Nolan Road property to take pictures and then cite the owner with code violations. Mr. Fenson expressed his concern that those photos were missing when he requested and paid for a FOIL (Freedom of Information Law) on those code violations. He also claimed that Chad Moran is denying a permit for the property to secure the foundation. Supervisor Grubham stated this has been ongoing for three years and the property is a wreck. Mr. Fenson claimed things would get done and nothing has been done. The neighbor can't sell her property because of the condition of this property. Attorneys for both sides have been involved and the matters have been taken to court twice now. Mr. Fenson and the owner of the property have not followed the judge's orders. Supervisor Grubham offered for Mr. Fenson and the property owner to talk about these issues in his office anytime.

**COMMUNICATIONS:** None.

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**COMMITTEE REPORTS:**

**Street Lights – Trim Street/Route 11.**

Councilmember Diffendorf reported that it has been difficult getting NYSEG to fix the lights that are out at Trim Street and Route 11, he continues to contact them. Supervisor Grubham noticed one of them was on this morning.

**Dog Control Report.**

Councilmember Legg reported numbers from the January 2024 Dog Control Report. A copy is filed in the Town Clerk's office.

**Pavilion #2 at Veteran's River Park.**

Supervisor Grubham reported that pavilion #2 at Veteran's River Park is built. Paving needs to be completed when the weather improves. Supervisor Grubham reminded the Board that when the pavilion went out to bid last year the lowest bid came in around \$80,000 and after going a different direction the end cost will be around \$32,000.

**Colesville Road – Rezone Application.**

The application to rezone property on Colesville Road has been pulled and is a non-issue now.

**Zimmer Road/Grosset Drive Culvert Grants.**

Supervisor Grubham explained that he is working with John Finch and John Mastronardi, the Town Engineer, trying to get grant money through the Bridge NY program to fix culverts on Zimmer Road and Grosset Drive.

**Grange Hall Road Park Grant.**

Supervisor Grubham is working on a federal grant through Congressman Marc Molinaro to fix the pavilion, do some paving work, and fix other things in need at Grange Hall Road Park.

**Historical Society Grant.**

Karen Ferguson was awarded the Broome County Small Community Grant on behalf of the Kirkwood Historical Society in the amount of \$25,000. That money will be used to repaint Schoolhouse #2 as well as install a handicap ramp to allow accessibility to the second floor.

**OLD BUSINESS:**

Councilmember Diffendorf 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 license for the following mobile home-trailer park, such license will be for the year 2024:

Kirkwood Mobile Home Court  
41 Loughlin Road, Binghamton, NY 13904  
Owner: James and Charles Williamson

Councilmember Wasson seconded.

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

**MOTION CARRIED.**

Councilmember Wasson moved to adopt resolution accepting the Recertification of the Record of Activities for Karen Ferguson, Town Historian, for the year 2024, in accordance with the attached Recertification. Councilmember Legg seconded.

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

**MOTION CARRIED.**

23:24  
Issue Trailer  
Park License  
Loughlin Road

24:24  
Retirement  
Recertification  
K.Ferguson  
Historian

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TOWN BOARD MEETING**

**February 6, 2024**

Councilmember Legg moved to adopt resolution amending the Policy for Advertising Positions of Employment with the Town of Kirkwood regarding eliminating the Country Courier, in accordance with the attached policy. Councilmember Weingartner seconded.

25:24  
Amend Policy  
for Advertising  
Eliminate  
Country Courier

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

MOTION CARRIED.

Councilmember Weingartner moved to adopt resolution authorizing Michael Wolyniak to review the financial records and reports of the Town Supervisor's Office, the Town's Justice Court, the Town Clerk's Office, and the water/sewer rents operations for 2023, at a cost not to exceed \$3600.00, in accordance with the attached letter. Councilmember Diffendorf seconded.

26:24  
Audit of Court,  
Supervisor,  
Town Clerk,  
W&S

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

MOTION CARRIED.

Councilmember Diffendorf moved to adopt resolution appointing Jason Maxian as Member Planning Board, for a term to expire December 31, 2026, to fill the unexpired term of Kevin Balachick. Councilmember Wasson seconded.

27:24  
Appoint  
J.Maxian  
Pl Bd Member

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

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution accepting the Recertification of the Record of Activities for William J. Diffendorf, Jr., Safety Officer, for the year 2024, in accordance with the attached Recertification. Councilmember Legg seconded.

28:24  
Retirement  
Recertification  
W.Diffendorf  
Safety Officer

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

MOTION CARRIED.

Councilmember Legg moved to adopt resolution authorizing Chad Moran to attend the Southern Tier Home Builders & Remodelers Association training in Sidney, NY on February 14, 2024 at a cost not to exceed \$35. Councilmember Weingartner seconded.

29:24  
Education  
C.Moran  
Code

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

MOTION CARRIED.

Councilmember Weingartner moved to adopt resolution hiring Karen Ferguson as Clerk, PT, temporarily to cover in the Building & Code Department from January 23, 2024 to February 28, 2024 at a rate of pay of \$15 per hour, 9 hours per week. Councilmember Diffendorf seconded.

30:24  
Hire  
K.Ferguson  
PT Clerk Temp  
Code

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

MOTION CARRIED.

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TOWN BOARD MEETING**

**February 6, 2024**

31:24  
Approve  
Kirkwood Fire  
Company  
Roster

Councilmember Diffendorf moved to adopt resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Kirkwood 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. Councilmember Wasson seconded.

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

MOTION CARRIED.

32:24  
Purchase  
2024 CAT  
Skid Steer  
DPW

Councilmember Wasson moved to adopt resolution authorizing the purchase of a 2024 Skid Steer Loader from Milton CAT, at a cost not to exceed \$46,431.00, in accordance with the attached quote. Councilmember Legg seconded.

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

MOTION CARRIED.

33:24  
Pay Increase  
C.Ritt  
DPW

Councilmember Legg moved to adopt resolution authorizing Charles Ritt to receive a \$1.25 per hour increase in pay, to \$21.75 per hour and \$600 in clothing allowance effective February 7, 2024, which is prior to the 6-month waiting period from his October 30, 2023 hire date. Councilmember Weingartner seconded.

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

MOTION CARRIED.

34:24  
Authorize  
Sale of 2007  
Skid Steer  
DPW

Councilmember Weingartner moved to adopt resolution declaring the 2007 New Holland L170 Skid Steer as surplus property and authorizing its sale on Auctions International with the lowest amount accepted being \$16,250. Councilmember Diffendorf seconded.

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

MOTION CARRIED.

**AUDIT AND PAYMENT OF CLAIMS:**

35:24  
Audit/Pay

Councilmember Diffendorf 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 #24000031 through #24000180 in the total amount of \$835,144.88, which includes prepaid claims as authorized by resolution adopted January 2, 2024. Councilmember Wasson seconded.

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

MOTION CARRIED.

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TOWN BOARD MEETING**

**February 6, 2024**

**ADJOURNMENT:**

Councilmember Weingartner moved to adopt resolution to adjourn the meeting.

Councilmember Diffendorf seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 6:27 PM

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk