

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**September 3, 2024**

A regular meeting of the Kirkwood Town Board was held on September 3, 2024 at 7:05 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  
Duane Travis, Zoning Board Chairman  
Karen Ferguson, Historian

**PLEDGE OF ALLEGIANCE:** Done Prior to the Public Hearing

**APPROVAL OF MINUTES:** August 6, 2024 Town Board Meeting and  
(2) August 6, 2024 Public Hearings

**PUBLIC PARTICIPATION:**

**Squatters Law.**

Larry Holt of Trim Street asked if there has been any progress on the Town making a law against squatters. He wants to know if the Board has the authority to pass a law to protect the residents of Kirkwood from squatters. Although the State has adopted a Squatters Law, Mr. Holt still wants Kirkwood to have its own law on record against squatters. Mr. McKertich explained that the question is if there is a void in the State law that the Town needs to fill, a certain area that is unregulated, that the Town could step into and fill a gap for the benefit of the people. Mr. McKertich does not think that void exists but he will continue to research it.

**Grosset Drive Water Issue.**

Greg Fish of Grosset Drive inquired about a water and pipe issue on Grosset Drive, which Supervisor Grubham explained the Town was trying to get grant money to cover the cost of that project and that didn't happen. The Town is trying to find the money to complete the project, the cost of that project is anywhere from \$150,000 - \$200,000.

**Facility Field Use.**

Greg Fish complained about a team of Kirkwood kids he was coaching getting kicked off one of the fields at one of the parks. He didn't think that was right and wanted to know if teams that come from other towns pay for the use of Kirkwood fields. Supervisor Grubham explained that there is a schedule for the fields so things like this don't happen, so whoever told Mr. Fish he could use the field was wrong. He also explained that adult leagues pay for the use of the fields, while youth teams do not.

**Five Mile Point Warehouse Concerns.**

Regarding the Five Mile Point Warehouse site, Robert Gaube of Roberts Street asked questions about the retention pond, sewer lines backing up, and industrial waste. Supervisor Grubham referred him to Planning Board since this project is now in their hands.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

**Community Day.**

Councilmember Wasson reported that Community Day went very well and the plan is to do it again next year.

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**Food Pantries and HEAP.**

Councilmember Wasson reported she met with the Broome County Food Council to help people find easier ways to get food when needed. She also noted that HEAP (Home Energy Assistance Program) has new income qualifications. She will get this information posted on the Town’s website.

**Patriot Marker.**

Karen Ferguson reported the Patriot Marker for the Kirkwood Cemetery has been delivered. The pole will hopefully be installed this Friday. When it gets closer to the date of putting the marker up there will be a big ceremony with speakers.

**School House Historical Society.**

The school house is being painted and once that is done and the ramp is completed then the marker can be installed and a big unveil can happen.

**OLD BUSINESS:**

106:24  
Adopt 2025  
Water & Sewer  
Unit  
Assessments

Councilmember Diffendorf moved to adopt resolution, after the Grievance Day Hearing, adopting the 2025 Water & Sewer Benefit Unit Assessments, in accordance with the attached resolution. Councilmember Wasson seconded.

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

MOTION CARRIED.

107:24  
Agreement  
Post Office  
Lease

Councilmember Wasson moved to adopt resolution authorizing the Supervisor to sign a 5-year lease with the United States Postal Service, in accordance with the attached agreement. Councilmember Legg seconded.

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

MOTION CARRIED.

108:24  
Approve  
Removal and  
Reconstruction  
of Water Plant  
Buildings

Councilmember Legg moved to adopt resolution authorizing JSE General Contracting, LLC to remove and reconstruct two (2) buildings at the water plant, at a cost not to exceed \$24,172, in accordance with the attached quote. Councilmember Weingartner seconded.

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

MOTION CARRIED.

109:24  
Bids  
Detention Tank  
& Air Stripper  
Project

Councilmember Weingartner moved to adopt resolution authorizing advertising for Sealed Bids for the Detention Tank and Air Stripper Project, with bids returnable September 26, 2024 at 11 AM, and publicly opened and read at that time. Councilmember Diffendorf 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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Councilmember Diffendorf moved to adopt resolution authorizing advertising for Sealed Bids for the Cluster Valves, Industrial Park Drive Project, with bids returnable September 26, 2024 at 11 AM, and publicly opened and read at that time. Councilmember Wasson seconded.

110:24  
Bids  
Cluster Valves  
Industrial Park  
Drive Project

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 scheduling a Public Hearing for September 24, 2024 at 6 PM regarding Local Law No. 7-2024 entitled “A Local Law Amending Section 706 of the Zoning Code Regarding Application Fees for Solar Energy Systems”. Councilmember Legg seconded.

111:24  
Schedule PH  
LL #7  
Amend Solar  
Fees

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

MOTION CARRIED.

Councilmember Legg moved to adopt resolution authorizing Maureen Walsh to attend the New York State and Local Retirement System Employer Education Seminar on Monday, September 30, 2024 at the Town of Homer, with all reasonable expenses paid. Councilmember Weingartner seconded.

112:24  
Education  
M. Walsh  
Bkpr  
Retirement

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 an amendment to the FY2024 budget as follows: DA9950-9-091 (Interfund Transfer to Highway Reserves) from \$87,000 to \$54,000 and DA-5130-2-020 (Machinery – Equipment) from \$82,322.14 to \$115,322.40. Councilmember Diffendorf seconded.

113:24  
Interfund  
Transfer  
Highway

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 authorizing the purchase of a 2024 CAT 305 EXC from Milton CAT, with a purchase price of \$85,517 less a trade in of \$41,517, for a total cost of \$44,000, in accordance with the attached quote. Councilmember Wasson seconded.

114:24  
Purchase  
Mini Excavator  
Milton CAT  
DPW/W&S

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

MOTION CARRIED.

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115:24  
Teamsters  
MOU  
Summer Hours  
Extension  
DPW

Councilmember Wasson moved to adopt resolution authorizing the Supervisor to sign the Memorandum of Understanding with Teamsters Local 317 regarding extending the summer hours through October 1, 2024, in accordance with the attached MOU.

Councilmember Legg seconded.

Roll Call Vote:      Councilmember Diffendorf   - no  
                         Councilmember Wasson       - yes  
                         Councilmember Legg           - yes  
                         Councilmember Weingartner - yes  
                         Supervisor Grubham           - yes

MOTION CARRIED.

116:24  
Audit/Pay

**AUDIT AND PAYMENT OF CLAIMS:**

Councilmember 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 #24000939 through #24001055 in the total amount of \$144,430.91, which includes prepaid claims as authorized by resolution adopted January 2, 2024. Councilmember Weingartner seconded.

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

MOTION CARRIED.

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 7:35 PM

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk