

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**August 5, 2025**

A regular meeting of the Kirkwood Town Board was held on August 5, 2025 at 6:45 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham  
Councilmember William Diffendorf, Jr.  
Councilmember Marc Latini  
Councilmember Katie Legg  
Councilmember Sandy Wasson

Also Present: Robert McKertich, Attorney  
Kelley Diffendorf, Town Clerk  
Poe Williams, Highway Superintendent  
Karen Ferguson, Historian  
Duane Travis, Zoning Board Chairman

**PLEDGE OF ALLEGIANCE:** Done Prior to the Work Session

**APPROVAL OF MINUTES:** June 23, 2025 Town Board Meeting, (2) June 23, 2025 Public Hearings, and July 1, 2025 Special Town Board Meeting

**PUBLIC PARTICIPATION:**

Scott Ferguson of Foley Road presented the Board with a petition signed by residents against the proposed Solar Farm project on Quilty Hill Road and Foley Road. He spoke to the Board and explained that so many residents love their homes, care for their community, and appreciate the beautiful Town of Kirkwood. He is concerned about two 50 acre farms that the Norbut Solar Company wants to fill with 42,000 solar panels and cut down 30-40 acres of old trees. Scott Ferguson noted this project not only brings many concerns to the residents but to the Town Board as well. If this project is passed, he suggested three different issues be handled by the Town. First being the repair of Quilty Hill Road due to constant truck traffic that will arise with the project. Second, a new water source/pipeline, since the designated wetlands that are most likely the aquifer source for many in the area will be damaged when the land is developed. And lastly, to improve and enlarge runoff areas because the stormwater runoff is already a problem, once the trees and brush are removed it will be so much worse people may lose their homes or become trapped, it will be a catastrophe. If this project doesn't pass, Scott Ferguson asked if a moratorium on solar farms could be enacted, at least in the agricultural zones, with the possibility of just allowing them in the commercial and industrial zoned areas. Otherwise, he feels all these issues will continue to happen repeatedly. He also suggested a stipulation that solar companies only be allowed to remove 10% or less of the trees like many other towns and states allow.

Martin Kennerup, Jr. of Foley Road asked the Board to use common sense and work for the residents. Kirkwood is a beautiful place with great school districts, but people don't want to move to a place with solar panels in the neighborhood. Martin Kennerup explained that if this project goes through the solar panels would be 162 yards from his house. He doesn't believe anyone from the Board would want to deal with that scenario. He suggested the Board votes no to all solar farms and protect the beauty in Kirkwood. Norbut is widely known for violating code and contracts. The Town of Kirkwood will have to clean up their mistakes (road damage, creek flooding). He also noted his concern about how the fire code will be maintained. He stated that everyone is against this project.

Susan Spalik of Foley Road discussed the major floods the Town had in 2006 and 2011. She believes if all those trees are cut down for the project it will be a major flood concern again for Kirkwood. People want to live in the country with their community and trees. She also noted a concern for heavy metal contamination in the water supply from the solar panels. No one is thinking about the long-term implications of these projects, they are abandoned after 20 years. Communities need to stand up and say no. If the project does pass, she suggested stricter limitations. Lastly, she noted that Norbut has about 20 lawsuits against them already.

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Larry Holt of Trim Street discussed how the comprehensive plan was completed many years ago and noted how several meetings were held, and surveys were mailed to residents. He asked why solar could not be handled that way, it is all up to the Planning Board and Town Board, and not the residents. He also noted that the solar companies are from out of town and they are only in it for the money, they don't care about Kirkwood. Larry Holt commented about a solar fire in another town and wanted to know if Kirkwood was trained and ready for such a fire, and what the cost of that would be.

Supervisor Grubham stated that the Board is understanding of all the complaints, but this project is before the Planning Board. The Town Board does not tell the Planning Board what to do, that is not how it works. The Board can pass the information on that was gathered tonight to the Planning Board but it's in their hands. He reminded the residents that the Planning Board members also live in Kirkwood, so they understand the situation. But there are certain rules that must be followed and if the Town doesn't follow those rules there could be legal issues to deal with.

Jim Jackson of Foley Road asked how it was possible to outlaw solar panels, from point A to point B (the process from start to finish). Supervisor Grubham explained this current proposed project can't be outlawed at this point, but the Town can enact a moratorium for future solar projects and revisit the local law.

Supervisor Grubham continued, regarding the comprehensive plan, approximately eight years ago flyers/surveys were sent out to all residents, there were about 500 replies and 70% were in favor of solar. He understands that people may feel differently now but at the time that was what the feedback reported.

Mr. McKertich explained that a moratorium is a short-term prohibition on projects, so it can't be open ended and it would have to be for a specific period of time, typically 12 months. It would allow the Town to look at the comprehensive plan and the local law and update them, because the comprehensive plan is very favorable to solar, based on the opinion polls from the public. The Town laws have to comply with the comprehensive plan. Since the comprehensive plan was completed in 2017-2018, it's not a bad thing to update it. Councilmember Legg noted that times do change, and it does state in the comprehensive plan that it should be updated after a certain date. Supervisor Grubham has reached out to the County about updating the comprehensive plan since they need to be the lead agency and they can't get to Kirkwood for a year to a year and a half.

Councilmember Diffendorf commented that he thinks the majority of the Board is in favor a moratorium right now to stop this project, but the one problem is the State is after the Town and has so much power over the Town and they are demanding these things, so the Town has to be careful what steps are taken. If it was up to the Board, the Board would stop it, it's just not that simple.

Supervisor Grubham reiterated the Board does not want any of these problems for the residents and the Board will do what they can, that is a promise they will make.

Councilmember Legg asked how the Board can start the process of a moratorium before more applications get handed in, and another meeting goes by, and it gets forgotten about. Mr. McKertich explained that the Board needs to direct him to draft a local law to propose a moratorium on solar development. That law would then be introduced at the next meeting, vote to schedule a public hearing, hold a public hearing, in between then we have to send the law to the County for a GML-239 review, and after the public hearing there can be a vote to impose the moratorium. The Board agreed to move forward to begin the moratorium process.

**COMMUNICATIONS:** None.

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**COMMITTEE REPORTS:**

**Dirty Water – Howard Street.**

Councilmember Legg presented pictures of dirty water that resembled coffee from a resident on Howard Street. She noted she was paying for dirty water, excess water for flushing, and had to replace their hot water tank and furnace, which now have sediment in them. Although she knows the problem is being dealt with, she still wanted it brought to the Boards attention.

**Dog Control Report.**

Councilmember Legg reported numbers from the July 2025 Dog Control Report. A copy is filed in the Town Clerk’s office.

**Youth and Recreation Report.**

Councilmember Legg reported the youth program is still going strong. The baseball and softball seasons went very well, with the all-star teams just wrapping up. The fall registration for the soccer season has now started. The full report is on file in the Town Clerk’s office.

**Kirkwood Community Day.**

Councilmember Wasson reminded everyone of Kirkwood Community Day this Sunday, August 10, 2025 from 9 AM – 4 PM at Veterans River Park.

**Historian Report.**

Karen Ferguson reported that the Historical Marker was installed at the Riverside Cemetery two weeks ago, the dedication will be sometime this fall. Karen has started a new series, Then and Now, spotlighting houses on Main Street.

**NEW BUSINESS:**

Councilmember Diffendorf moved to adopt resolution authorizing the Supervisor to enter into a Legal Services Agreement with Robert H. McKertich, in accordance with the attached agreement. Councilmember Wasson seconded.

108:25  
Legal Service  
Agreement

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

MOTION CARRIED.

**OLD BUSINESS:**

Councilmember Wasson moved to adopt resolution scheduling a Grievance Day Hearing for the 2026 Unit Assessments for September 2, 2025 at 6:03 PM. Councilmember Legg seconded.

109:25  
Schedule  
Grievance for  
2026 Unit  
Assessments

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

MOTION CARRIED.

Councilmember Legg moved to adopt resolution approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for Adisen Harden as Member Planning Board, in accordance with the attached resolution. Councilmember Latini seconded.

110:25  
Retirement  
A.Harden  
Planning

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

MOTION CARRIED.

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111:25  
Schedule  
End of Year  
Meeting

Councilmember Latini moved to adopt resolution scheduling a Special Town Board Meeting for December 30, 2025, after the Work Session, for the purpose of auditing year end bills and any other business that may come before the Board. Councilmember Diffendorf seconded.

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

MOTION CARRIED.

112:25  
M.Nuzzela  
Work in Court  
By Voucher

Councilmember Diffendorf moved to adopt resolution authorizing Martha Nuzzela to work in the Kirkwood Town Court on August 6, 2025, to be paid by voucher at \$25 per hour. Councilmember Wasson seconded.

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

MOTION CARRIED.

113:25  
Edmunds  
Agreement  
Code

Councilmember Wasson moved to adopt resolution authorizing the Supervisor to enter into an agreement with Edmunds GovTech for Building & Code Software Services – Subscription, Professional Services – Implementation, and Conversion Services, at a cost of \$10,750 for the first year and \$4,250 for the second and third year, in accordance with the attached Sales Proposal. Councilmember Legg seconded.

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

MOTION CARRIED.

114:25  
Education  
Conference  
K.Ferguson  
Historian

Councilmember Legg moved to adopt resolution authorizing Karen Ferguson to attend the APHNYS 2025 Annual Conference, October 5-8, 2025, in Cazenovia, NY, at a cost of \$250 for the conference fee and \$327 for the hotel, with all reasonable expenses paid. Councilmember Latini seconded.

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

MOTION CARRIED.

115:25  
Authorize  
Sale of 2010  
Arm Mower  
DPW

Councilmember Latini moved to adopt resolution declaring as surplus and authorizing the sale of a 2010 John Deere 1600 WAM (wide arm mower) on Auctions International at a minimum sale price of \$25,000. Councilmember Diffendorf seconded.

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

MOTION CARRIED.

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Councilmember Diffendorf moved to adopt resolution adopting a negative declaration under the State Environmental Review Act for the upgrades and improvements to the Town of Kirkwood water system, in accordance with the attached Determination of Significance and the attached Environmental Assessment Forms. Councilmember Wasson seconded.

116:25  
SEQR for  
Water Plant  
Upgrade

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

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution approving the attached Order calling for a public hearing to be held at 6 PM on Tuesday September 2, 2025 for the increase and improvement of facilities of Consolidated Water District No. 1, pursuant to Section 202-b of the Town Law. Councilmember Legg seconded.

117:25  
Schedule PH  
Water Plant  
Upgrade  
Water Dist.1

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

MOTION CARRIED.

**AUDIT AND PAYMENT OF CLAIMS:**

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 #25000772 through #25000949 the total amount of \$945,523.26, which includes prepaid claims as authorized by resolution adopted January 7, 2025. Councilmember Wasson seconded.

118:25  
Audit/Pay

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

MOTION CARRIED.

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 7:45 PM

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk