

# **TOWN OF KIRKWOOD WORK SESSION**

**September 2, 2025**

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  
Karen Ferguson, Historian

Absent: Poe Williams, Highway Superintendent

- 1. Discussion – Resolution scheduling a Public Hearing for September 30, 2025, at 6 PM regarding a Local Law Amending Article XV, Section 1501.3A.1 of the Zoning Code Regarding Zoning Board of Appeals Meeting Dates. (LCG)**

This is going to change the dates of the Zoning Board of Appeals meetings and to accommodate Mr. McKertich's schedule.

- 2. Discussion – Resolution reappointing Richard Pedro as Assessor for a term to expire September 30, 2031. (LCG)**

- 3. Discussion – A Resolution Establishing a Publicity Fund and Appropriating Moneys for Such Fund, in accordance with the attached resolution. (LCG)**

Mr. McKertich explained this is governed by a town law that allows the Town to expend money on celebrations of this nature (250<sup>th</sup> anniversary celebration). Up to \$25,000 can be appropriated into such a fund, without cause for any type of referendum. This resolution will authorize the appropriation of up to \$25,000 to spend on a publicity fund and to use that money to fund events for the anniversary celebration. Supervisor Grubham noted that this just authorizes the Board to do so but no money is being appropriated at this time, not until the Board has a better idea of what is needed. Councilmember Diffendorf also mentioned the 250<sup>th</sup> celebration is a one-time event. Mr. McKertich explained that only certain types of events are authorized to use money from this fund.

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- 4. Discussion – Resolution Establishing the Town of Kirkwood 250<sup>th</sup> American Revolution Commission, in accordance with the attached resolution. (LCG)**

- 5. Discussion – Resolution scheduling a Public Hearing for September 30, 2025, at 6:03 PM regarding amending fees for water meters. (LCG)**

Supervisor Grubham explained that it has been discovered that buying new waters meters is much more expensive than what the Town has been charging consumers. This amendment will cover the cost of buying and installing the meters.

- 6. Discussion – Resolution scheduling a Public Hearing for September 30, 2025, at 6:05 PM regarding a proposed Local Law Affecting a Temporary Moratorium within the Town of Kirkwood on the Development and Construction of Solar Energy Systems. (LCG)**

At the last Board meeting the Board requested a one-year moratorium be enacted on solar development, this local law would put that moratorium into effect, but a public hearing needs to be held first. Once approved, the 12-month moratorium will be in effect, at which point it will trigger the Board to look at the comprehensive plan solar law and determine if any changes should be made from there. Mr. McKertich has reached out to a consultant regarding the comprehensive plan, and she will provide a quote as things proceed.

Councilmember Legg verified the community would have a chance to voice their opinion before changes were made to the solar law. Councilmember Diffendorf reminded everyone that when the comprehensive plan was updated last time (about 8 years ago) the public results proved many people (77%) were in favor of solar. But now that solar companies want to put solar plants in, no one wants solar. Things have changed and that is why all this needs to be done.

- 7. Discussion – Resolution authorizing advertising for Sealed Bids for a new Broom, with bids returnable September 23, 2025, at 12 noon and publicly opened and read at that time. (PW)**

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**8. Discussion – Resolution appointing Olivia MacDonald as Clerk, PT to work in the Town Court, effective September 3, 2025, at a rate of pay of \$18 per hour. (LCG)**

**9. Discussion – Resolution authorizing Chad Moran to attend the Southern Tier Home Builders & Remodelers Association training at the Dryden Neptune Hose Company, Dryden, NY, on September 17, 2025, at a cost not to exceed \$35, with all reasonable expenses paid. (LCG)**

**10. Discussion – Resolution declaring surplus and authorizing the sale at auction the equipment set forth in the attached document. (PW)**

Supervisor Grubham explained that these are mostly old, worn-out items that Poe Williams would like to sell on the auction site. Councilmember Legg questioned if Poe Williams had a minimum value in mind for some of the pricier items.

**11. Discussion – Resolution, on the 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 2025:**

**Quilty Hill Mobile Home Park  
49 Quilty Hill Road, Kirkwood, NY 13795  
Owner: Charles C. Tai**

**12. Discussion – Resolution authorizing Layne Christensen Co. to clean Well #1 and Well #3 at a cost not to exceed \$92,900, in accordance with the attached Confirming Order. (LCG)**

Supervisor Grubham mentioned that this was originally lumped in with \$12,000,000 water plant upgrade cost, but after discussing it, it was decided that it might be a good idea to clean the wells now since there have been so many problems. This might help solve some of those problems for the time being until the water plant upgrade project can be finalized. This was also completed 7 or 8 years ago, and it did help quite a bit.

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**13. Discussion – Resolution Authorizing the Highway Department to Perform Certain Maintenance Repairs to Geiger Lane, in accordance with the attached resolution. (LCG)**

After speaking with Don Geiger over the past month regarding the status of Geiger Lane, Supervisor Grubham discussed a resolution authorizing the highway department to perform certain repairs to the privately owned road. He explained that the Town owns the boat launch and two or three FEMA properties in the area of Geiger Lane, which is across the railroad tracks in Riverside. Therefore, he suggested, once every three years when the Town goes down to clean and grade the boat launch (which is done yearly) the road can also be taken care of if needed. Mr. McKertich explained that Geiger Lane is a private road, and the general rule is that a municipality can't spend taxpayer funds on a private road. There is an exception to that rule that was recognized by the comptroller in an opinion from 1990, in which it states, if there is a primary public benefit to the expenditure, the municipality can do it even if it results in a private benefit to the property owner. The question for the Board is to determine whether maintaining this road with basic maintenance (not up to specs, based on materials the Town already has, in order for the public to be able to access the boat launch) is a primary public benefit with an incidental private benefit, or more of a private benefit such that the Town can't do it. Supervisor Grubham said the cost is very minimal and would recommend this get approved. Since the boat launch is there, Councilmember Diffendorf agreed to minimal repair work, such as filling in potholes, but no snow plowing, weeding of the road, or cutting brush. The resolution states every third year or as often as the Town Board deems necessary.

**14. Discussion – Resolution authorizing the Supervisor to enter into a Legal Services Agreement with NDV Law, PLLC, in accordance with the attached Legal Services Engagement Letter. (LCG)**

Gina Middleton has been the attorney handling the current solar project that the Planning Board is considering. Since she has been involved with the solar project since the beginning, and recently left Coughlin & Gerhart, this agreement would keep her on the project until completion.

**15. Audit of Claims.**