

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 5, 2021

An organizational meeting of the Kirkwood Town Board was held on January 5, 2021 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham
Councilman Robert Weingartner
Councilwoman Katie Legg
Councilman William Diffendorf, Jr.

Also Present: Robert McKertich, Attorney
Kelley Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Board Chairman
Duane Travis, ZBA Chairman (via Zoom)

PLEDGE OF ALLEGIANCE:

OATH OF OFFICE:

The Oath of Office was administered to William J. Diffendorf Jr. and Robert F. Weingartner for the duly elected positions of Councilperson for the Town of Kirkwood for a term to expire December 31, 2024. The Oath of Office for Lewis C. Grubham, Supervisor, John A. Finch Jr., Superintendent of Highways, and Kelley M. Diffendorf, Town Clerk were all administered on January 5, 2021 before the meeting.

APPROVAL OF MINUTES: December 29, 2020 Public Hearing, December 29, 2020 Special Town Board Meeting

PUBLIC PARTICIPATION: None

COMMUNICATIONS: Letters of Re-Appointment for Clerks to Justices Full Time and Part Time, and Town Historian. Letters to Appoint Deputy Commissioner of Public Works, Deputy Town Clerks, Deputy Registrar, and Sub Registrar

COMMITTEE REPORTS:

Dog Control Report

Councilwoman Legg read the December 2020 dog control report from the Dog Control Officer. One dog was picked up and taken to the shelter, two lost dogs, one anonymous complaint and 21 formal violations and follow-ups.

OTHER:

Councilwoman Legg moved to adopt resolution authorizing Supervisor to enter into an agreement with Roger Studer d/b/a Studer's Body Shop & Garage for towing services, in accordance with the attached agreement. Councilman Diffendorf seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution regarding Sewer Rents for Frito Lay and Triple Cities Metal Finishing, in accordance with the attached resolution. Councilwoman Legg seconded.

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

MOTION CARRIED.

1:21
Towing
Agreement
Studer's Body
Shop

2:21
Sewer Rents
Frito Lay and
TCMF

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 5, 2021

NEW BUSINESS:

3:21
Appoint
Press Official
Newspaper
Courier
Supplemental

Councilwoman Legg moved to adopt resolution appointing the Press & Sun-Bulletin as the official newspaper for 2021 and designating The Country Courier, pursuant to Town Law Section 64 (11), as a supplemental newspaper for publication of all legal notices of the Town for 2021, and requiring the applicant on a zoning matter or an environmental matter to pay the cost of such publication in the official newspaper of the Town, and the Town to pay the cost of such publication in the supplemental newspaper. Councilman Diffendorf seconded.

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

MOTION CARRIED.

4:21
M&T
Depository
Town Funds

Councilman Diffendorf moved to adopt resolution naming M & T Bank as the depository for town funds for the Supervisor for 2021. Councilwoman Legg seconded.

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

MOTION CARRIED.

5:21
Appoint
Supervisor
Service Officer

Councilwoman Legg moved to adopt resolution appointing the Supervisor as Service Officer for 2021. Councilman Diffendorf seconded.

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

MOTION CARRIED.

6:21
Supervisor
Invest Funds

Councilman Diffendorf moved to adopt resolution authorizing the Supervisor to invest general funds, special district funds and highway moneys not obligated or required for immediate expenditure in United States treasury bills, savings accounts, time deposit or time certificates of deposit through Charter One, Manufacturers & Traders Trust Company, Tioga State Bank, Chemung Canal Trust Company, NBT Bank, and First Niagara Bank; said investments to be payable or redeemable at the option of the Supervisor within such times as the proceeds may be needed to meet expenditures for which the moneys were provided, all pursuant to the provisions of the Investment Policy for the Town of Kirkwood adopted July 3, 1993. Councilwoman Legg seconded.

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

MOTION CARRIED.

Late Arrival. Councilman Weingartner arrived to the meeting late and was able to vote on the resolutions from this point forward.

7:21
Mileage &
Expense
Reimb

Councilwoman Legg moved to adopt resolution establishing reimbursement of expenditures incurred in 2021 as follows: Mileage reimbursement at current Federal Government rate for job related travel; Attendance at job related meetings not to exceed \$20 per meeting (other than New York City); Attendance at job related meetings in New York City at \$88 per day for meals only. Councilman Diffendorf seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 5, 2021

Councilman Diffendorf moved to adopt resolution designating the following Tuesdays of each month as Town Board meeting nights to be held at 6:00 PM at the Joseph A. Griffin Town Hall:

8:21
Meeting
Night
Designation

First Tuesday - Regular Town Board Meeting
Last Tuesday - Work Session

Councilman Weingartner seconded.

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution requiring all itemized vouchers to be submitted to the Town Clerk's office before noon of the Friday prior to the last Tuesday of each month, and vouchers for reimbursement of medical and optical expenses to be submitted to the Town Clerk's office before noon of the Thursday prior to the last Tuesday of each month to qualify for audit and payment at the next regular Town Board meeting.

9:21
Voucher
Submittal

Councilwoman Legg seconded.

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution establishing hourly rates of pay for Public Works personnel for 2021, pursuant to Collective Bargaining Agreement with Teamsters 317 effective January 1, 2021 and with rate sheet from DPW Commissioner for all union and non-union employees of the DPW. Councilman Diffendorf seconded.

10:21
DPW Pay
Rates

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution establishing hourly rates of pay for independent contractors and Board of Assessment Review, in accordance with the attached resolution. Councilman Weingartner seconded.

11:21
Independent
Contractors
Pay Rates

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution establishing salaries for all elected and appointed officials and employees as set forth in the 2021 budget. Councilwoman Legg seconded.

12:21
Salaries
Elected &
Appointed
Officials

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution appointing the following persons to the designated positions for 2021, in accordance with the resolution. Councilman Diffendorf seconded.

13:21
Appoint
Various
Positions

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 5, 2021

14:21
Annual
Report
Due

Councilman Diffendorf moved to adopt resolution authorizing Supervisor to submit to the Town Clerk by March 31, 2021, a copy of his Annual Report to the State Comptroller and directing the Town Clerk to cause a notice to be published within ten (10) days after receipt of said report in the official newspaper and supplemental newspaper of the town that a copy of such report is on file and available for inspection in Town Clerk's office. Councilman Weingartner seconded.

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

MOTION CARRIED.

15:21
Prepay Utility
and Property
Tax Bills

Councilman Weingartner moved to adopt resolution authorizing the payment of utility bills, town real property tax bills and postage prior to audit pursuant to Town Law Section 118 (2). Councilwoman Legg seconded.

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

MOTION CARRIED.

16:21
Procurement
and Investment
Policies

Councilwoman Legg moved to adopt resolution reaffirming and re-adopting resolutions establishing the Procurement Policy adopted December 6, 1994 and revised December 3, 2013 and the Investment Policy adopted July 3, 1993. Councilman Diffendorf seconded.

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

MOTION CARRIED.

17:21
DPW
Equipment
Purchases

Councilman Diffendorf moved to adopt resolution authorizing the Commissioner of Public Works to purchase equipment and tools not to exceed a total of \$2,000.00 per year without prior Town Board approval, providing such purchases are consistent with a resolution adopting a Procurement Policy enacted December 6, 1994 by Kirkwood Town Board and reviewed and reaffirmed herewith. Councilman Weingartner seconded.

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

MOTION CARRIED.

18:21
J.Smith
Budget Officer
Audit Books

Councilman Weingartner moved to adopt resolution pursuant to Section 123 of the Town Law engaging Budget Officer James R. Smith, CPA to make an annual audit of the books and records of each person who as a town officer or employee received or disbursed any moneys in calendar year 2020. In addition, the Budget Officer is authorized to engage an independent CPA firm to make an annual audit of each Town Justice for the calendar year 2020 including the criminal and civil dockets to determine that the fines and fees shown thereon have been collected and have been turned over to the proper officials as required by law. The target completion date for the internal annual audits described here-in is May 31, 2021, subject to COVID Virus disruptions. If an external town wide audit should be required due to the Federal disaster assistance, the Justice Court audit portion may be included with those services along with related prescribed compliance deadlines under OMB Circular A-133. Councilwoman Legg seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 5, 2021

Councilwoman Legg moved to adopt resolution reappointing John Mastronardi of Griffiths Engineering as the Stormwater Management Officer for the year 2021. Councilman Diffendorf seconded. 19:21
Reappoint
J.Mastronardi
Stormwater
Management
Officer

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution appointing William Diffendorf as Safety Officer for the year 2021 at an annual salary of \$1500. Councilwoman Legg seconded. 20:21
Appoint
W.Diffendorf
Safety Officer

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution reappointing Marc Latini as Temporary Ad Hoc Member of the Zoning Board of Appeals, pursuant to Local Law No. 11-1986; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. Councilman Weingartner seconded. 21:21
Reappoint
M.Latini
Temp ZBA
Ad Hoc

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution reappointing Peter M. Maciak as Temporary Ad Hoc Member of the Planning Board, pursuant to Local Law No. 11-1986; to be compensated at \$30.00 per meeting attended, upon submission of a voucher to the Town Clerk. Councilwoman Legg seconded. 22:21
Reappoint
P.Maciak
Temp Pl Bd
Ad Hoc

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution decreasing the compensation and adjusting the office hours of the Assessor, in accordance with the attached resolution. Councilman Diffendorf seconded. 23:21
Assessor
Adjustment
in Hours

Discussion. Supervisor Grubham said we discussed this at the last meeting. Our Assessor is cutting his hours and pay, and hiring a Part Time Clerk to fill in when he is not here.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution creating the position of Part-Time Clerk in the office of the Assessor, in accordance with the attached resolution. Councilman Weingartner seconded. 24:21
Create New
Position
PT Clerk for
Assessor

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 5, 2021

25:21
Five Mile Point
Fire Co Roster

Councilwoman Legg moved to adopt resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Five Mile Point 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. Councilman Diffendorf seconded.

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

MOTION CARRIED.

26:21
Issue Trailer
Park Licenses
All 3 included

Councilman 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 licenses for the following mobile home – trailer parks, such licenses are for the year 2021: Kirkwood Mobile Home Court, LLC, 41 Loughlin Road, Binghamton, NY 13904, Owner: James and Charles Williamson. Quilty Hill Mobile Home Park, 49 Quilty Hill Road, Kirkwood, NY 13795, Owner: Charles C. Tai. Kirkwood Parksites, LLC, 1794 US Route 11, Kirkwood, NY 13795, Owner: Gary N. Johnson. Councilman Weingartner seconded.

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

27:21
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 # 21-000001 through # 21-000041 in the total amount of \$ 153,176.06, which includes prepaid claims as authorized by resolution adopted this date. Councilwoman Legg seconded.

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

MOTION CARRIED.

Highway Expenditure Report

John Finch said I passed out the Highway Expenditure Report to everyone. I'm basically looking at paving Five Mile Point on the other side of the highway, just about every road over there needs some kind of attention. We are looking at some others as well. The bottom and top of Ostrum Road is bad. But it all depends on how much CHIPS money we get. Supervisor Grubham said we can put this on the work session and discuss it then.

Open Board Position

Councilman Diffendorf asked, are we going to do anything about getting another Board member. Supervisor Grubham said this needs to be discussed, do we want to add another Board member or try to go without. Councilman Weingartner said, I'm okay with the Board as it is and add the new Board member after the election in November. Councilman Diffendorf said, that would be okay, but two Board members can tie this Board up. If any of us aligned up with another Board member you can stop anything because it takes three votes. I think we should have a full Board. Every time there's been a vacant seat we've always appointed someone. Councilwoman Legg explained her thoughts saying, who do you pick to appoint, who really has shown they want to be here, and can you just pick someone to be here. Appointing someone can give them an edge over someone else that may want to run for the position. Councilman Diffendorf said it has been done in the past where the person appointed cannot run for the election, it was a stipulation added to the appointment. Supervisor Grubham said let's think this over and if anyone has any suggestions on who might fit that bill we can discuss it and make a decision at that point.

**TOWN OF KIRKWOOD
ORGANIZATIONAL TOWN BOARD MEETING**

January 5, 2021

Newspaper Coverage Options

Marchie Diffendorf said when Don Einstein (from the Country Courier) was leaving he mentioned that the Town of Vestal does not use the Press & Sun-Bulletin as their official paper anymore they just use the community newspaper, The Vestal Town Crier, saving a lot of money. In Kirkwood, the applicant pays for the legal notices to go in the Press & Sun-Bulletin and the Town pays for it to go in the Country Courier. It could be a savings for us if the applicant paid the Country Courier fee and the Press & Sun-Bulletin was no longer used. I just thought I'd bring it up for discussion since he mentioned it. Supervisor Grubham said the problem could be coverage. Mr. McKertich said there are certain standards regarding the newspaper and it is in the Town law. I'd have to look to see if the Country Courier meets that standard. It's not a bad idea to have a daily publication as your newspaper if you need to get a notice out right away. Supervisor Grubham asked Mr. McKertich to look into it. Supervisor Grubham said I'm not against doing that if it's an option, it would save money. Councilman Diffendorf said many people don't receive the Country Courier, especially Loughlin Road and up that way. Councilman Weingartner said I don't think the Country Courier is online for people to search it that way. Kelley Diffendorf mentioned all the notices are on the Town of Kirkwood website. Supervisor Grubham said we can discuss this at the next meeting, there obviously is a savings but maybe it's not worth it.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 6:39 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk