

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

January 3, 2023

An organizational meeting of the Kirkwood Town Board was held on January 3, 2023 at 6 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

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

Also Present: Robert McKertich, Attorney
Kelley Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Board Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: December 27, 2022 Special Town Board Meeting and (2) December 27, 2022 Public Hearings

PUBLIC PARTICIPATION: Kirkwood resident, Robert Gaube attended the meeting ready to discuss the Five Mile Point Warehouse project, but with many upcoming meetings/discussions on the matter it was decided he would wait until the next meeting or public hearing to discuss his thoughts.

COMMUNICATIONS: Letters of Re-Appointment for Clerk to Justice Full Time and Town Historian.

COMMITTEE REPORTS:

PERMA. Councilman Weingartner reported the Town’s insurance cost has significantly decreased over the past couple years due to a low loss ratio.

OLD BUSINESS:

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 1-2023 entitled “A Local Law Affecting a Temporary Moratorium Within the Town of Kirkwood on the Battery Energy Storage”, in accordance with the attached resolution. Councilwoman Wasson seconded.

1:23
Adopt LL #1
Temp
Moratorium
Battery Energy

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

MOTION CARRIED.

Councilwoman Wasson moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2023 entitled “A Local Law Amending the Sewer Rents”, in accordance with the attached resolution. Councilwoman Legg seconded.

2:23
Adopt LL #2
Amending
Sewer Rents

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution amending the Petty Cash Policy, in accordance with the attached policy. Councilman Weingartner seconded.

3:23
Amend Petty
Cash Policy

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

MOTION CARRIED.

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4:23
Petty Cash

Councilman Weingartner moved to adopt resolution authorizing the continuation of petty cash for 2023, subject to audit by the Budget Director, for the following departments at specified amounts, pursuant to Town Law Section 64, Paragraph 1 (2):

Bookkeeper	\$100
Building & Code Inspector	\$100
DPW Commissioner	\$200 and \$35 for Water Department
Supervisor	\$200
Town Clerk	\$200
Town Justice	\$200

Councilman Diffendorf seconded.

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

MOTION CARRIED.

NEW BUSINESS:

5:23
Press Official
Newspaper
Country Courier
Supplemental

Councilman Diffendorf moved to adopt resolution appointing the Press & Sun-Bulletin as the official newspaper for 2023 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 2023, 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. Councilwoman Wasson seconded.

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

MOTION CARRIED.

6:23
M&T as
Depository

Councilwoman Wasson moved to adopt resolution naming M & T Bank as the depository for town funds for the Supervisor for 2023. Councilwoman Legg seconded.

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

MOTION CARRIED.

7:23
Appoint
Supervisor as
Service Officer

Councilwoman Legg moved to adopt resolution appointing the Supervisor as Service Officer for 2023. Councilman Weingartner seconded.

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

MOTION CARRIED.

8:23
Investment
Policy

Councilman Weingartner 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, First Niagara Bank, and Peoples Security; 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. Councilman Diffendorf seconded.

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

MOTION CARRIED.

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Councilman Diffendorf moved to adopt resolution establishing reimbursement of expenditures incurred in 2023 as follows:

9:23
Reimbursement
of Expenditures

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.

Councilwoman Wasson seconded.

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

MOTION CARRIED.

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

10:23
Designate
TB Meeting
Nights

First Tuesday - Regular Town Board Meeting

Last Tuesday - Work Session

Councilwoman Legg seconded.

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

MOTION CARRIED.

Councilwoman Legg 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.

11:23
Voucher
Schedule for
Audit/Payment

Councilman Weingartner seconded.

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution establishing hourly rates of pay for Public Works personnel for 2023, pursuant to Collective Bargaining Agreement with Teamsters 317 effective January 1, 2023 and with rate sheet from DPW Commissioner for all union and non-union employees of the DPW. Councilman Diffendorf seconded.

12:23
DPW Pay Rates

Roll Call Vote: Councilman Diffendorf - yes
 Councilwoman Wasson - yes
 Councilwoman Legg - yes
 Councilman Weingartner - 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. Councilwoman Wasson seconded.

13:23
Pay Rates for
Independent
Contractors &
BAR

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

MOTION CARRIED.

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14:23
Salaries for
Elected and
Appointed
Officials, and
Employees

Councilwoman Wasson moved to adopt resolution establishing salaries for all elected and appointed officials and employees as set forth in the 2023 budget. Councilwoman Legg seconded.

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

MOTION CARRIED.

15:23
Appoint Various
Positions

Councilwoman Legg moved to adopt resolution appointing the following persons to the designated positions for 2023, in accordance with the resolution. Councilman Weingartner seconded.

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

MOTION CARRIED.

16:23
Annual Report

Councilman Weingartner moved to adopt resolution authorizing Supervisor to submit to the Town Clerk by March 31, 2023, 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 Diffendorf seconded.

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

MOTION CARRIED.

17:23
Utility,
Property, and
Postage Bills

Councilman Diffendorf 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 Wasson seconded.

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

MOTION CARRIED.

18:23
Procurement
and Investment
Policies

Councilwoman Wasson moved to adopt resolution reaffirming and re-adopting resolutions establishing the Procurement Policy adopted December 6, 1994, amended December 3, 2013, February 7, 1995, February 3, 2009, January 5, 2010, December 6, 2011, December 3, 2013 and December 27, 2022 and the Investment Policy adopted July 3, 1993. Councilwoman Legg seconded.

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

MOTION CARRIED.

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Councilwoman Legg moved to adopt resolution authorizing the Commissioner of Public Works to purchase equipment and tools not to exceed a total of \$3,999 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.

19:23
Procurement
Policy Change
DPW

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

MOTION CARRIED.

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 2022. 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 2022 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, 2023, subject to COVID Virus disruptions. If an external town wide audit should be required due to the Federal Award assistance, the Justice Court audit portion may be included with those services along with related prescribed compliance deadlines under OMB Circular A-133. Councilman Diffendorf seconded.

20:23
J.Smith to
Conduct
Various Audits

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution reappointing John Mastronardi of Griffiths Engineering as the Stormwater Management Officer for the year 2023. Councilwoman Wasson seconded.

21:23
J.Mastronardi
Stormwater
Management
Officer

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

MOTION CARRIED.

Councilwoman Wasson moved to adopt resolution appointing William Diffendorf as Safety Officer for the year 2023 at an annual salary of \$1500. Councilwoman Legg seconded.

22:23
W.Diffendorf
Safety Officer

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution reappointing Peter M. Maciak and Matthew Williams as Temporary Ad Hoc Members of the Planning Board, pursuant to Local Law No. 11-1986; to be compensated at \$30 per meeting attended, upon submission of a voucher to the Town Clerk. Councilman Weingartner seconded.

23:23
P.Maciak &
M.Williams
Temp Ad Hoc
Planning Board

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

MOTION CARRIED.

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24:23
Kirkwood Fire
Company
Roster
Approved

Councilman Weingartner 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. Councilman Diffendorf seconded.

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

MOTION CARRIED.

25:23
Retirement
Reporting
K.Ferguson

Councilman Diffendorf moved to adopt resolution approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for Karen Ferguson as Town Historian, in accordance with the attached resolution. Councilwoman Wasson seconded.

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

26:23
Audit/Pay

Councilwoman Wasson 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 #23000001 through #23000021 in the total amount of \$11,593.50, which includes prepaid claims as authorized by resolution adopted this date. Councilwoman Legg seconded.

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

MOTION CARRIED.

OTHER:

ZBA Ad Hoc Members. Supervisor Grubham responded to Marchie Diffendorf stating there are no ZBA Ad Hoc members at this time, but looking to try and fill those positions.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 6:25 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk