

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

October 3, 2023

A regular meeting of the Kirkwood Town Board was held on October 3, 2023 at 6 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

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: September 5, 2023 Town Board Meeting, September 26, 2023 Water & Sewer Benefit Unit Assessments Grievance Day, and September 26, 2023 Public Hearing

PUBLIC PARTICIPATION:

Lisa Batzel of William Street told the Board she was disappointed in the vote at the last Town Board meeting on sending the warehouse project of the Five Mile Point Racetrack site to the Planning Board for review.

Lisa Batzel also spoke to the Board about a water issue she is currently dealing with, and has been dealing with for a long time. She has black debris in her water and has to change the filter on her tankless water heater every two months instead of every six months as recommended. She reminded the Board that she has complained about this in the past and the head of the Water department has told her there is nothing that can be done. She showed the Board pictures from her phone of the black debris. Lisa Batzel expressed that something needs to be done about the water in the Town because it is ruining things, she gave several examples of items in her home that have been ruined. When she first moved to her house it was not like this, and the debris does lighten up when the hydrants get flushed. John Finch reported that the Water department is looking into other filtration options. He said the black debris is manganese. The Water department will be scheduling hydrant flushing on a bi-annual basis. Supervisor Grubham said it will be looked into.

Angela Tokos of Haskins Road referenced a correspondence she had sent to Supervisor Grubham regarding the Warehouse Project/Five Mile Point Racetrack site and was hoping to get some answers at the meeting. She had reviewed the traffic report and noted that 272 trucks could possibly be entering and exiting the site daily during two separate work shifts, but was concerned if a third shift was added what that would do to the traffic numbers since Mr. Meinstein did not rule that option out. After speaking with NYSDOT regarding additional shifts, the takeaway was the data should be updated to reflect such possibilities and that it was incumbent on the County and the Town to ensure that happens. Angela Tokos asked the Board if this would be done. Supervisor Grubham explained that Mr. Meinstein has not turned in any further information at this point, so nothing has been sent to the Planning Board yet, which means there is nothing to update at this point. The earliest this could go to the Planning Board is November. If this does move forward, all information will be made available.

Angela Tokos continued with questions about truck routes and the legality of light industrial use with certain stipulations by Mr. Meinstien. Supervisor Grubam reiterated that the only thing that has been asked was the property be rezoned. No other information has been presented to us and these questions just can't be answered at this time. Angela Tokos noted that she is hopeful that before the project moves any further that some of these questions can be answered for the community. Supervisor Grubham assured her that will happen.

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Marchie Diffendorf of Gorman Road explained that he noticed the Purple Heart sign at Veterans River Park was broken, so he talked to Glenn Robbins of Robbins Sign Company, as well as Supervisor Grubham about getting it replaced. He presented pictures to the Board of the existing sign and the proposed sign, stating the new sign has a cleaned-up look. Marchie Diffendorf asked the Board to approve this new sign tonight, and Robbins Signs has agreed to donate the new sign and installation at no cost. He would like to have it up in time for the Veterans Day ceremony. Councilmember Legg thanked Marchie Diffendorf for taking time to do this, as well as maintaining the welcome sign at Exit 1.

COMMUNICATIONS: Letter from NYSDOT, Letter from ACHIEVE, and Resignation Letter from Edward Shoemaker

Discussion. Councilmember Diffendorf commented on the letter from NYSDOT regarding the paving of Route 11, stating unfortunately we are not being treated very well on this end of the county. The western end, Vestal/JC mall area, seems to get paved every three years. We can't get them to pave here, they patch, so we have a rough ride, no shoulders, and can't get a guardrail fixed and that seems to be acceptable to New York State. Supervisor Grubham explained he sends letters every year, and gets the same response every time. He has made several attempts to get the guardrail fixed at the intersection near Valley Park, to no avail. Also noting, the portion of I86 in Kirkwood is the worst piece of road in Broome County. He will continue to call and send letters.

COMMITTEE REPORTS:

Paws for a Cause – Humane Society.

Councilmember Wasson reported the Humane Society held their Paws for a Cause fundraiser at Veterans River Park this past weekend, it was very successful and they would like to do it again next year.

Broome County Transit Committee.

Supervisor Grubham reiterated what Councilmember Diffendorf stated regarding the lack of paving from NYSDOT. Also mentioning he is on the Broome County Transit Committee (made up of County and DOT officials) and when questioned about paving our roads it gets ignored and the meeting continues. It's very difficult. Supervisor Grubham gave an example of how it cost 25 million to pave a walkway on the Vestal Parkway, but they can't find money to pave the roads in Kirkwood.

Meters Installed.

John Finch reported that approximately 860 meters have been installed with 322 left to still be installed. Sue Glovich has been calling residents and sending letters to get people signed up for appointments, she is doing a great job.

MEO Heavy – New Hire.

John Finch would like hire someone to replace Ed Shoemaker who is retiring at the end of October. He would like to start interviews the week of October 16th. Councilmember Diffendorf and Councilmember Wasson agreed to interview applicants.

OLD BUSINESS:

Councilmember Diffendorf moved to adopt resolution, after a Public Hearing, adopting the 2024 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.

123:23
Adopt
Water & Sewer
Unit
Assessments

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The Full Environmental Assessment Form was reviewed and completed by the Town Board in regards to the local law entitled “Amendments to the Zoning Code Regarding Solar Energy Systems”. Part 1 was completed ahead of time, Part 2 and Part 3 were completed at the meeting, finding the project will result in no significant adverse impacts on the environment.

Councilmember Wasson moved to adopt resolution adopting the Full Environmental Assessment Form regarding Local Law No. 4-2023 entitled “Amendments to the Zoning Code Regarding Solar Energy Systems”, in accordance with the attached Full EAF. Councilmember Legg seconded.

124:23
Adopt EAF
LL#4
Amendments to
Solar Law

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, after a Public Hearing, adopting Local Law No. 4-2023 entitled “Amendments to the Zoning Code Regarding Solar Energy Systems”, in accordance to the attached resolution. Councilmember Weingartner seconded.

125:23
Adopt LL#4
Amendments to
Solar Law

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 approving the 2024 Preliminary Budget and Directing a Public Hearing for October 31, 2023 at 6 PM. Councilmember Diffendorf seconded.

126:23
Approve
Prelim Budget
and
Schedule PH

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 rejecting all Sealed Bids received for the Johnson Road Water Tank Rehabilitation Project. Councilmember Wasson seconded.

127:23
Reject Bids
Johnson Road
Water Tank
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 rejecting all Sealed Bids received for the Veterans River Park Pavilion Rehabilitation Project. Councilmember Legg seconded.

128:23
Reject Bids
Pavilion #2
Project

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

MOTION CARRIED.

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129:23
Appoint
W.Woolbaugh
Planning Board
Chairman

Councilmember Legg moved to adopt resolution appointing Walter G. Woolbaugh as Chairman, Planning Board, with a salary of \$7,238.14, pro-rated for the remainder of 2023. Councilmember Weingartner seconded.

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

MOTION CARRIED.

130:23
Agreement
Edmunds Cloud
Services for
Finance/Utility
Budget W&S

Councilmember Weingartner moved to adopt resolution authorizing the Supervisor to enter into an agreement with Edmunds GovTech regarding Cloud Hosting Services for the finance and utility software programs at a cost not to exceed \$4,800 for the first year, in accordance with the attached agreement. Councilmember Diffendorf seconded.

Discussion. Councilmember Diffendorf reviewed the numbers and noted that adding \$4800 to the existing cost of \$7484.71 is a lot of money.

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

MOTION CARRIED.

131:23
Reappoint
F.Nichols
BAR Member

Councilmember Diffendorf moved to adopt resolution re-appointing Frederick Nichols as Member, Board of Assessment Review for a term to expire September 30, 2028.

Councilmember Wasson seconded.

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

MOTION CARRIED.

132:23
Purchase
2022 Truck
Ford F600
DPW

Councilmember Wasson moved to adopt resolution ratifying a resolution authorizing the purchase of a 2022 Ford F600 from Ferrario Ford in Elmira, NY, being a sole source supplier, at a cost not to exceed \$69,821.00, in accordance with the attached invoice.

Councilmember Legg seconded.

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

MOTION CARRIED.

133:23
Education
A.Glover
M.Loftus
W&S

Councilmember Legg moved to adopt resolution authorizing Alan Glover and Matt Loftus to attend the Southern New York Waterworks Conference on October 12, 2023, at the Sidney American Legion, at a cost of \$70. Councilmember Weingartner 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 Weingartner moved to adopt resolution to approve new signage at Veterans River Park to be installed by the Robbins Sign Company at no cost to the Town, in accordance with the submitted proposal. Councilmember Diffendorf seconded.

134:23
New Sign
Veterans Park
Donation
Robbins Signs

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Weingartner - 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 #23001153 through #23001273 in the total amount of \$350,135.85, which includes prepaid claims as authorized by resolution adopted January 3, 2023. Councilmember Wasson seconded.

135:23
Audit/Pay

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

MOTION CARRIED.

OTHER:

New York Citizens Audit – Broome Team.

Three volunteers from the New York Citizens Audit group spoke to the Board and meeting goers about their purpose. Their group is made up of all volunteers, that are non-partisan, that care about New York and our Country, and want a free and fair election. The group has performed extensive evaluations of New York’s voting system, and found it to be riddled with problems. They handed out a resolution regarding an end to end voting audit in New York, and asked the Board to consider passing it. The group suggested to anyone interested in more information to go to their website at auditny.com. Councilmember Legg thanked them for their time and hours of volunteering.

Councilmember Diffendorf moved to adopt resolution to adjourn this meeting to go into Executive Session under Public Officers Law section 105(1)(f) to discuss matters leading to the employment of a particular person. Councilmember Wasson seconded.

136:23
Executive
Session

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 7:24 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk