

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

April 6, 2021

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

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

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

PLEDGE OF ALLEGIANCE:

NEW BUSINESS:

APPROVAL OF MINUTES: March 2, 2021 Town Board Meeting

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: None

COMMITTEE REPORTS:

Dog Control Report.

Councilwoman Legg reported numbers from the March Dog Control Report. A copy is filed in the Town Clerk's office.

Youth Committee – Easter Egg Hunt.

Councilwoman Legg said we had our Easter Egg Hunt this past Saturday and it was a success. We had 1,700 eggs filled with candy and little stuffed animals and rubber duckies. There had to be over 200 people that were at the event. Everyone followed the rules by wearing masks and no complaints. The little kids were in one section along the football field and the older kids were in another section. Marc Latini and his family did a great job setting that up this year. It went off really well.

Youth Committee – Baseball and Softball.

Councilwoman Legg continued by saying, Marc Latini wanted me to report that he still needs two tee ball coaches. This year for softball and baseball they have one team at each level for majors, minors, and coach-pitch for boys and girls, and two tee ball teams. They will be playing with the Town of Binghamton and the Town of Conklin. They could definitely use more boys ages 8-12 for those teams.

Beautification.

Councilwoman Legg said this past weekend I learned of some areas in our Town that are full of trash that was left by disrespectful people. After I posted the information I found out there are many areas in our Town that people are throwing trash out of their car along the road. A lot of people in the community offered to clean up the initial spot I was talking about after seeing my post. On Easter a family did go clean up that area and it was four bags of garbage. However, there are many more spots that are in need of cleaning and there are people in the community that want to do it. I proposed to Supervisor Grubham and our Beautification Committee, which I am on as well, about having a Community Cleanup Day. Supervisor Grubham thought it was a great idea and thought the Town could supply the garbage bags. I talked to Pat Griffin and we could be here from 9 AM – 10 AM that day to hand out bags to those that want to come get them. If the volunteers are not able to dispose of the garbage they pick up with their own garbage service we could have them bring it to the Town dumpster to discard of it. These would be all volunteers and hold it on April 24, 2021. It's in a couple weeks and will give us an opportunity to promote it. We do

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have a lot of people that want to get involved in our community and sometimes I just think they need the opportunity. For example, when we cleaned the park after the flood, it was amazing how many people came out to shovel dirt and rocks and clean the park. I'd like to propose we have April 24th as Cleanup Day in our Town. All appeared to agree, with no comments against it.

Supervisor Grubham asked John Finch to take care of getting the bags. Councilman Legg said Pat Griffin, myself, and Sandy Wasson will be here to hand out the bags. John Finch said anyone can come pick them up Friday at our office if they want as well, we are open from 7 AM – 3:30 PM.

Marijuana Law.

Supervisor Grubham said I listened to a webinar on the Marijuana Law that has been passed. If someone wants to set up a shop that sells marijuana in the Town we need to approve that if we want to, we don't have to approve that. If we don't do it we don't share in any of the tax money. There is a 4% sales tax on all sales, the County gets 1% and the Town gets 3%. If we don't want to have a shop here that sells it, then we get nothing. That just means they can go to Binghamton or anywhere else, it is going to happen. Supervisor Grubham responded to Councilman Diffendorf saying, if they don't choose our Town then we get nothing if that is not a sales point in our Town. Councilman Diffendorf said well that is funny there is no Home Depot in our Town but we get money from Home Depot. It shows you how crooked this whole deal is. The sales tax should be shared wherever this ends up being located at. Councilman Shafer said the County should get the 4% and then pass out to the towns and villages their shares. Supervisor Grubham said that isn't going to happen and that came from the Association of Towns. People can grow it, they are allowed to grow so many plants. I believe each person can grow 6 plants, 3 early growth and 3 mature plants. People can grow 24 plants per family, there is nothing you can do about that, they can just do it. It also can be cultivated too. I don't think we can control that but we can charge them fees for doing that. The big item for us is that we wouldn't be able to share in the money if we don't have a sales point. Even if you don't like the idea of marijuana, it's a done deal.

Councilman Diffendorf asked what is happening with the Cannabis Factory. Supervisor Grubham said I know they have leased out to Roger's Trucking for storage for two years. I don't see how it will be used for at least two years.

Councilman Diffendorf asked Mr. McKertich about the sale of marijuana, wanting to know if that money can be put into a bank. Mr. McKertich said it could be illegal under federal law and banks have to abide by federal statutes. The New York legislation was just passed last week so we are in the process of picking it apart. I don't believe the New York legislation addresses that other than it won't be a violation of State law to sell marijuana and make the money and deposit the money in a bank. Whether that is a violation of Federal law is another question, certainly something I can look into deeper.

Supervisor Grubham said we have until the end of this year to do whatever we are going to do or not do. I just wanted to bring it to your attention and there is still a lot more information to come out.

OLD BUSINESS:

Councilwoman Legg moved to adopt resolution authorizing the Supervisor to enter into an Agreement and Addendum with the Southern Tier Zoological Society, Inc., regarding the 2021 Zoo Season, in accordance with the attached agreement and addendum. Councilman Diffendorf seconded.

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

MOTION CARRIED.

49:21
Zoo
Agreement

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Councilman Diffendorf moved to adopt resolution authorizing Lewis C. Grubham, Catherine Legg, William J. Diffendorf, Jr., and Robert Weingartner to sign the Manufacturers and Traders Trust Company Public Funds Certified Resolutions, in accordance with the attached forms. Councilman Shafer seconded.

50:21
Council
Members
authorized to
sign for M & T
funds

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

MOTION CARRIED.

Councilman Shafer moved to adopt resolution authorizing pay increases for the Court Clerks, effective April 7, 2021, as follows: Paula Hashem to \$19.80 per hour; Erin Tuttle to \$18.55 per hour; and Kathy Martone to \$19.17 per hour. Councilman Weingartner seconded.

51:21
Court Clerks
Pay Increase

Discussion. Councilman Diffendorf said we talked about this last week. We said that we were looking for something comparable, and Councilman Weingartner and Councilwoman Legg did a good job. The comparable one was the Town of Chenango at \$19 an hour. Not the Town of Vestal that was only \$18.50 an hour. The Town of Union has one at \$19 an hour and another at \$22 an hour. They get by with 2 clerks and we use 2 ½ clerks. The Town of Dickinson handles more cases than us and gets by with 1 ½ clerks. When I read the clerk’s letter it said, “We are asking to bring our pay up to a level that is average for this job”. I’m quoting from the letter the clerks wrote. Therefore, I think average is \$19 an hour based on the comparison report. Vestal is \$18.50 and Dickinson is \$18, I don’t see where \$19 isn’t right. The Board discussed the Town of Dickinson regarding their rates, hours, and number of clerks. Councilman Shafer said I compared the Town of Chenango, they seem to be doing the same work. Councilman Shafer discussed the Town of Chenango salaries. Councilman Shafer continued by saying, you get to a point where sometimes you need to negotiate. I took the proposed rate and cut it in half. They will still get their 2.5% increase for next year in 2022 when the budget is passed and they got their 2.5% increase for the 2021 year. The clerks are doing good work and they should be compensated to a fair amount. Supervisor Grubham said that is what we have done here but there is obviously a discussion about what Councilman Diffendorf feels is correct and what Councilman Weingartner and Councilwoman Legg came up with. Councilman Diffendorf said once you open these flood gates it’s hard to close them. We should do all these things at budget time and not in the middle of the year. We have already increased Joe Barton’s rate and now we are going to do the clerks. I wanted to compromise on something here, I don’t know why they all can’t be \$19 an hour. Councilman Shafer said I will agree on \$19 an hour. Supervisor Grubham said my feeling about making everyone the same is if someone comes in at their first year they need training and then the experienced work loses seniority benefits. Councilwoman Legg said keeping everyone at the same rate is not fair, it depends on their years of experience. Councilman Diffendorf said if you are doing the same job as another clerk then you should get paid the same, it’s the same job. People should get paid for what they do, if they are doing their job and doing it correctly it seems they should all get the same pay. Supervisor Grubham said we have had our discussion and everyone has made their points.

Roll Call Vote: Councilman Weingartner - yes
 Councilwoman Legg - yes
 Councilman Diffendorf - no
 Councilman Shafer - no
 Supervisor Grubham - yes

MOTION CARRIED.

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52:21
J.Barton Job
Title Change
MEO Heavy to
MEO III

Councilman Weingartner moved to adopt resolution authorizing a change in job title for Joseph Barton from MEO Heavy to MEO III, effective April 7, 2021. Councilwoman Legg seconded.

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

MOTION CARRIED.

53:21
J.Barton Pay
Increase
DPW

Councilwoman Legg moved to adopt Resolution authorizing a pay increase for Joseph Barton, MEO III to \$21.31 per hour, effective April 7, 2021, and to \$22.81 per hour, effective January 1, 2022, which amount includes the annual pay increase set forth in the Collective Bargaining Agreement between the Town of Kirkwood and the Teamsters Local 317. Councilman Diffendorf seconded.

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

MOTION CARRIED.

54:21
Paint Metal Roof
at Highway
Garage

Councilman Diffendorf moved to adopt resolution authorizing Precision Painting to pressure wash, nail heads tinted, spot primed and one coat of aluminum roof coating applied to the Highway Garage metal roof, at a cost not to exceed \$3,360.00, in accordance with the attached quote. Councilman Shafer seconded.

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

MOTION CARRIED.

55:21
Repair Sub
Pump at Main
Sewer Station

Councilman Shafer moved to adopt resolution ratifying a resolution authorizing Pump Service and Supply of Troy, Inc. to repair one HOMA AMX644-80/29P/U FM Electric Sub Pump at the Main Sewer Station, at a cost not to exceed \$3,856.50, in accordance with the attached quote. Councilman Weingartner seconded.

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

MOTION CARRIED.

56:21
Test Borings
Agreement for
New Salt Barn

Councilman Weingartner moved to adopt resolution authorizing Keystone Associates to conduct two (2) test borings for the new salt barn, at a cost not to exceed \$ 4,875.00, in accordance with the attached agreement. Councilwoman Legg seconded.

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

MOTION CARRIED.

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Councilwoman Legg moved to adopt resolution hiring Everett Benedict as Laborer to work in the Highway Department effective April 21, 2021 at a rate of pay of \$12.82 per hour.

57:21
Hire E.Benedict
as Laborer in
DPW

Councilman Diffendorf seconded.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Tyler Harpell to attend the Grade C Water Distribution Operator Certification Course on April 19-23, 2021 at a cost of \$575.00, with all reasonable expenses paid, in accordance with the Reimbursement Policy for Employee Training Expenses. Councilman Shafer seconded.

58:21
T.Harpell –
Education
W&S

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

MOTION CARRIED.

Councilman Shafer moved to adopt resolution designating April 19-22, 2021 for Municipal Cleanup Days in the Town of Kirkwood, materials accepted are furniture, mattresses, and white goods, with delivery to the Broome County Landfill on April 23, 2021, in accordance with the attached application form. Councilman Weingartner seconded.

59:21
Municipal
Cleanup Day

Discussion. John Finch responded to Councilman Shafer saying, leaves will be picked up in the fall. Grass clippings can be picked up with leaves, but people can bring them to the Highway Garage brush pile. Councilman Shafer asked if you can call and have grass clippings picked up if you have a lot of them. John Finch said we don't pick up grass clippings like that, a lot of people bring them here. If people bring them in bags they can dump them here, they just need to dump them out of the bags. We are just too busy to go out pick them up.

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

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution authorizing advertising for Sealed Bids for the Air Stripper System Rehabilitation, with bids returnable to the Town Clerk's Office on April 27, 2021 at 12 noon, and to be publicly opened and read at that time.

60:21
Advertise for
Sealed Bids for
Air Stripper
System

Councilwoman Legg seconded.

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution appointing Matthew J. Williams 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. Councilman Diffendorf seconded.

61:21
Appoint
M.Williams –
Temp Ad Hoc

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

MOTION CARRIED.

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62:21
Reimbursement
for Vehicle
Damage at
Post Office

Councilman Diffendorf moved to adopt resolution authorizing payment of \$1,059.24 to Scott D. Patrick to settle a claim in exchange for a release. Councilman Shafer seconded.

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

63:21
Audit/Pay

Councilman 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 # 21-000306 through # 21-000458 in the total amount of \$ 838,222.90, which includes prepaid claims as authorized by resolution adopted January 5, 2021. Councilman Shafer seconded.

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

MOTION CARRIED.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 6:34 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk