

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 6, 2016

A regular meeting of the Kirkwood Town Board was held on September 6, 2016 at 7:28 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

Present: Supervisor Gordon Kniffen
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilwoman Linda Yonchuk

Absent: Council William Diffendorf, Jr.

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
Raymond Coolbaugh, DPW Commissioner
John Finch, Chief Water Treatment Plant Operator
James Smith, Budget Officer
Marchie Diffendorf, Planning Board Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

August 2, 2016 Town Board Meeting

PUBLIC PARTICIPATION:

Cynthia Green of Irving Avenue addressed the Board once again about concerns she has about her road (see work session minutes of March 29, 2016). She read the following from the NYS Highway Law, Section 189: "All lands which shall have been used by the public as a highway for a period of ten years or more shall be a highway with the same force and effect as if it had been duly laid out and recorded as a highway and the town superintendent shall open all such highways to the width of at least 3 rods." She said it needs some attention and she has put hours into it and can't keep doing it. She has put stone in because she has been told it is a private road and it is not known who owns it. Ray Coolbaugh said the town has a right-of-way to the water and sewer line. He said there is a gate at Cunningham's driveway where their garage used to be, and he noted they don't plow it. About a month ago they had a water main break on the edge of the road in front of the apartments and they did fix the road because it washed out with the water leak. He said where the blacktop stops is where the road ends. Ms. Green has maps from Jeff Powers from Broome County. In regard to the maps from Broome County, Mr. Blaise said if Ms. Green is pulling them off of GIS, they don't legally define who owns what and where. Ms. Green said the signage says it's Roberts Street on the map but an Irving Avenue sign went up not many years ago. Ray Coolbaugh said it is Irving Avenue from the corner of Francis up to the gate. He added that the town has a right-of-way through there because the water and sewer lines go all the way over to Alexander. Ms. Green said there is no outlet, there is no way for people to turn around so people turn around in her and her neighbors' yard. Supervisor Kniffen said they have a similar situation on Alexander Road, the town doesn't plow that either. Ms. Green said they have plowed for years up there. There is plow damage. Ray Coolbaugh said when there is a lot of snow they open it up for them to get out. He added they have another driveway that goes between the houses to Crescent. Ms. Green said the Town of Kirkwood owns the road. In regard to how someone would request to have a road dedicated to the town, Mr. Blaise said they would have to request it and the Board would have to take affirmative action to adopt it as a town road. He said that hasn't been done and it is currently not a town road. The section of law that Ms. Green cited is a provision by which the town can acquire roads, to use a roadway or thoroughfare that the public has been using. The Board would have to take affirmative steps to do that. He said if the county says it's a town road that doesn't make it so. Once again Ms. Green said that she cannot maintain it any longer. Supervisor Kniffen said they will look into this to determine the correct ownership and will get back to her. Mr. Blaise said they not only need to look at the area, but pull deeds. Ray Coolbaugh said someone was going to buy the apartments there but they could not because there is no road frontage. Mr. Blaise said as he understands it, she is saying that the people in that neighborhood use it to access their properties or there are people turning around on it, but that is not what that

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 6, 2016

section of law applies to. A typical example would be if there is a tract that goes through a farmer's field and it's been used forever and the farmer says he's putting a gate up and not letting people drive through that section, and it can be demonstrated that people have been using it for generations, the town can step in and declare it a town road because there has been general public use for so many years. That is not the situation Ms. Green is describing and the town actually has to do something otherwise citizens could just show up and want the last 50 feet of their driveway a town road and want the town to maintain it.

COMMUNICATIONS: None.

COMMITTEE REPORTS: None.

OLD BUSINESS:

125-16
Adopt EAF
LL #6-2016
Amend Pl Bd
Membership

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 6-2016 entitled "A Local Law Amending the 'Planning Board Ad Hoc Members' and 'Planning Board Rules and Regulations' Local Laws of the Town of Kirkwood", in accordance with the attached Short EAF. Councilman Grubham seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

126-16
Adopt
LL #6-2016
Amend Pl Bd
Membership

Councilman Grubham moved to adopt resolution, after a Public Hearing, adopting Local Law No. 6-2016 entitled "A Local Law Amending the 'Planning Board Ad Hoc Members' and 'Planning Board Rules and Regulations' Local Laws of the Town of Kirkwood", in accordance with the attached resolution. Councilman Weingartner seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

127-16
Purchase
Fire Hydrant

Councilman Weingartner moved to adopt resolution authorizing the purchase of a fire hydrant from E.J. Prescott, Inc., at a cost of \$2,250. Councilwoman Yonchuk seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

128-16
Replace
Pump/Motor
Well #3

Councilwoman Yonchuk moved to adopt resolution authorizing the removal of a 200HP vertical turbine pump and motor and install customer supplied spare pump and motor on Well 3 by W2 Pump & System Services at a cost of \$3,800. Councilman Grubham seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

129-16
Repair Pump
Francis St.
Pump Sta.

Councilman Grubham moved to adopt resolution authorizing the repair of a Vaughan submersible chopper pump with blown motor for the Francis Street Pump Station by W2 Operator Training Group, LLC, at a cost of \$14,075. Councilman Weingartner seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 6, 2016

Councilman Weingartner 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 license for the following mobile home – trailer park, such license is for the years 2015 and 2016:

130-16
Issue Trailer
Park Lic.

Southern Tier Mobile Home Park, 1794 US Route 11, Kirkwood, NY 13795

Owner: Robert and Mouna Hartley

Councilwoman Yonchuk seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

Councilwoman Yonchuk 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 license for the following mobile home – trailer park, such license is for the years 2015 and 2016:

131-16
Issue Trailer
Park Lic.

Moore Mobile Home Park, 376 Johnson Road, Kirkwood, NY 13795

Owner: Josh Hunt

Councilman Grubham seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Grubham moved to adopt resolution Amending the Food Policy for Town of Kirkwood Employees, in accordance with the attached policy. Councilman Weingartner seconded.

132-16
Amend
Employee
Food Policy

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Weingartner moved to adopt resolution Amending the Investment Policy, in accordance with the attached policy. Councilwoman Yonchuk seconded.

133-16
Amend
Investment
Policy

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing the transition of the Town’s holdings and investments from First Niagara Bank to Key Bank and authorizing the Supervisor to sign all necessary paperwork to effectuate said transition. Councilman Grubham seconded.

134-16
Investments
from First
Niagara to
Key Bank

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

Councilman Grubham moved to adopt resolution authorizing Supervisor to enter into an agreement with the County of Broome regarding the Kirkwood Youth Program.

135-16
Yth Program
Agreement w/
Br. Co.

Councilman Weingartner seconded.

Roll Call Vote: Councilman Weingartner - yes
 Councilman Grubham - yes
 Councilwoman Yonchuk - yes
 Supervisor Kniffen - yes

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 6, 2016

136-16
2015 Internal
Audit – Court
Records

Councilman Weingartner moved to adopt resolution acknowledging that the calendar year 2015 internal audit of the Justice Court records and dockets were examined by Budget Director, James Smith, pursuant to Section 2019-a of the Uniform Justice Court Act, in accordance with the attached report dated August 18, 2016. Councilwoman Yonchuk seconded.

Roll Call Vote:	Councilman Weingartner	- yes
	Councilman Grubham	- yes
	Councilwoman Yonchuk	- yes
	Supervisor Kniffen	- yes

MOTION CARRIED.

137-16
Transfer of
Funds

Councilwoman Yonchuk moved to adopt resolution authorizing the Transfer of Funds, in accordance with the attached Budget Adjustment Sheet. Councilman Grubham seconded.

Roll Call Vote:	Councilman Weingartner	- yes
	Councilman Grubham	- yes
	Councilwoman Yonchuk	- yes
	Supervisor Kniffen	- yes

MOTION CARRIED.

OTHER:

Councilwoman Yonchuk questioned if there was going to be a resolution acknowledging the Maine Endwell Little League team. Supervisor Kniffen said he did put something together in that regard but he wants to verify the names before presenting it. He noted that the Board does honor people with resolutions signed by the Supervisor and Town Clerk but in this instance he feels it would be appropriate for all the Board members to sign it as well. Councilwoman Yonchuk mentioned that Supervisor Kniffen's nephew played on the team and in the final game he made the catch in right field that kept South Korea from getting a home run.

AUDIT AND PAYMENT OF CLAIMS:

138-16
Audit/Pay

Councilman Grubham 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, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 5, 2016, all in accordance with the abstract of claims on file in the Town Clerk's Office.

Councilman Weingartner seconded.

Roll Call Vote:	Councilman Weingartner	- yes
	Councilman Grubham	- yes
	Councilwoman Yonchuk	- yes
	Supervisor Kniffen	- yes

MOTION CARRIED.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 7:47 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk