

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 5, 2017

A regular meeting of the Kirkwood Town Board was held on September 5, 2017 at 7:00 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

Present: Supervisor Gordon Kniffen
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilman William Diffendorf, Jr.
Councilwoman Linda Yonchuk

Also Present: Oliver Blaise III, Attorney
Gayle Diffendorf, Town Clerk
John Finch Jr., Commissioner of Public Works
Marchie Diffendorf, Planning Bd. Chairman
Duane Travis, ZBA Chairman

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: August 1, 2017 Town Board Meeting

PUBLIC PARTICIPATION: None.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

In regard to the major highway project planned for the Town of Kirkwood, Supervisor Kniffen reported that Senator Fred Akshar, who has secured a \$400,000 grant towards the \$1.4 million project, will be outside at the highway garage on Monday, September 18th at 11:30 for a media presentation. Everyone is invited to attend.

OLD BUSINESS:

Councilwoman Yonchuk moved to adopt resolution, after a Public Hearing, adopting the Short Environmental Assessment Form regarding Local Law No. 2-2017 entitled "A Local Law Amending the 'Water Mains' Ordinance of the Town of Kirkwood", in accordance with the attached Short EAF. Councilman Diffendorf seconded.

127-17
Adopt EAF
LL #2-17
Amend Water
Mains Ord.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2017 entitled "A Local Law Amending the 'Water Mains' Ordinance of the Town of Kirkwood", in accordance with the attached resolution. Councilman Grubham seconded.

128-17
Adopt
LL#2-17
Amend Water
Mains Ord.

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

MOTION CARRIED.

Councilman Grubham moved to adopt resolution scheduling a Grievance Day Hearing for Unit Assessments on September 26, 2017 at 6:00 PM. Councilman Weingartner seconded.

129-17
Schedule
Grievance
Day for
W&S Unit
Assessments

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

MOTION CARRIED.

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130-17
Teamsters
MOU –
Equipment
Mechanic

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to enter into a Memorandum of Understanding with Teamsters Local 317 regarding the new title of Equipment Mechanic and rate of pay for that title, in accordance with the attached MOU. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

131-17
Transfer R.
Green from
MEO to
Equip.
Mechanic

Councilwoman Yonchuk moved to adopt resolution transferring Robert Green, Jr. from MEO to Equipment Mechanic effective September 6, 2017 at a rate of pay of \$17.45 per hour. Councilman Diffendorf seconded.

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

MOTION CARRIED.

132-17
Agreement
Transfer
Surplus Tent
To Burns
Tent Rental

Councilman Diffendorf moved to adopt resolution declaring the 40' X 80' tent as surplus and authorizing the Supervisor to enter into an agreement to transfer the tent to Burns Tent Rental, in accordance with the attached agreement. Councilman Grubham seconded.

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

MOTION CARRIED.

133-17
G. Nesbitt
Lease of 57
Geiger Ln.

Councilman Grubham moved to adopt resolution authorizing Supervisor to execute lease of property at 57 Geiger Lane to Gary Nesbitt subject to Permissive Referendum, in accordance with the attached lease. Councilman Weingartner seconded.

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

MOTION CARRIED.

134-17
J. Kinney
Notary
Training

Councilman Weingartner moved to adopt resolution authorizing Jessica Kinney, Deputy Town Clerk, to take an online training class to become a Notary Public, at a cost of \$39.00. Councilwoman Yonchuk seconded.

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

MOTION CARRIED.

135-17
Transfer of
Funds

Councilwoman Yonchuk moved to adopt resolution authorizing the Transfer of Funds, in accordance with the attached schedule. Councilman Diffendorf seconded.

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

MOTION CARRIED.

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NEW BUSINESS:

Councilman Diffendorf moved to adopt resolution authorizing advertising for Sealed Bids for a new 2017 or 2018 Dump Truck, with bids returnable to the Town Clerk's Office on September 26, 2017 at 4:00 PM, to be publically opened and read at the 6:00 PM Work Session meeting. Councilwoman Yonchuk seconded.

136-17
Advertise
For Dump
Truck Bids

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing payment of \$5,400 as an engineering fee to Griffiths Engineering for drainage study of the highway garage. Councilman Diffendorf seconded.

137-17
Drainage
Study of Hwy
Garage by
Engineer

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

MOTION CARRIED.

Councilwoman Yonchuk moved to adopt resolution authorizing the purchase and installation of a 16 x 16 garage door for the pole barn from Baker's Garage Doors, Inc. at a cost not to exceed \$3,316. Councilman Weingartner seconded.

138-17
Purchase
Garage Door
For Pole Barn

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

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, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 3, 2017, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Grubham seconded.

139-17
Audit/Pay

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

MOTION CARRIED.

OTHER:

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph f of the Public Officers Law to discuss a matter relating to the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Councilman Grubham seconded.

140-17
Exec. Sess.

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

MOTION CARRIED.

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The Board reconvened following the Executive Session to address the following:

Ritter FOIL Appeal: Mr. Blaise advised the Board that Douglas Ritter had filed an appeal from the Records Officer's response to his FOIL request. Mr. Blaise reminded the Board that Mr. Ritter was being prosecuted for code violations at his rental property on Route 11 and that his request for information from the Town Court and Code Enforcement Office concerned his defense against those charges. Mr. Ritter's request did not really fall under FOIL since he was seeking "information" about various zoning laws or code enforcement cases, rather than requesting documents. The Records Officer responded by advising Mr. Ritter that he could obtain the requested information from the Town and County's websites, and provided the address for those sites.

In his appeal, Mr. Ritter stated that he either could not access the websites provided or find the requested information thereon. Mr. Blaise advised that the appeal should be denied on the grounds that no records were requested pursuant to FOIL, and to the extent that Mr. Ritter's request could be treated as a request for records, it was overbroad and impermissibly vague, along with any other applicable grounds. After brief discussion, it was agreed to have Mr. Blaise draft a response on behalf of the Board denying Mr. Ritter's appeal.

ADJOURNMENT:

Councilman Weingartner moved to adopt resolution to adjourn the meeting.

Councilwoman Yonchuk seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 8:25 P.M.

Respectfully submitted,

Gayle M. Diffendorf
Town Clerk