

TOWN OF KIRKWOOD WORK SESSION

August 2, 2022

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

1. Discussion – Solar Energy Systems Local Law – Schedule a Public Hearing. (LCG)

Supervisor Grubham explained that the Town Engineer John Mastronardi looked through the proposed Solar Energy Systems Local Law and found it very comprehensive. John Mastronardi did mention limiting site lighting with zero foot candles at the property line, and to avoid using barb/razor wire at the top of the fence for curb appeal. After a brief discussion the Board agreed with his recommendations. Mr. McKertich will incorporate these changes to the proposed law and have it to the Board before the next meeting to review.

The Planning Board had discussed the new Solar Energy Systems Local Law at their July 11, 2022 meeting. The Planning Board did recommend approval of the law with the Town Board to consider whether to: allow a fence buffer for non-commercial solar energy systems in section 705 A, add a definition of solar carport, and examine the lot coverage requirements in section 706 B.

Regarding lot coverage, Mr. McKertich explained after looking at the zoning code it talks about lot coverage by buildings, and the solar panels are structures, not buildings. Therefore, the lot coverage requirements would not apply to these solar panels. There's a 5 acre minimum, it needs to meet the setbacks (100 feet from a property line, 250 feet from a house, and 50 feet from a road) and as long as they are in that confined area it's acceptable. Lot coverage is calculated as only the portion directly under the solar panel. Mr. McKertich recommended keeping the law the way it is regarding lot coverage.

TOWN OF KIRKWOOD WORK SESSION

August 2, 2022

Supervisor Grubham asked Mr. McKertich to work on defining a solar carport and adding that to the proposed law.

The next topic discussed was non-commercial solar facilities, the smaller projects. They have a buffer requirement of natural vegetation, evergreen bushes and trees. The Planning Board asked if fencing should be allowed as a buffer rather than or in addition to the natural vegetation. The vegetation screening would be no less than 8 feet tall. Mr. McKertich recommended if a fence option was added it should be no less than 8 feet tall as well. If the point is to provide screening it would need to be a solid fence, which is a little different than a visual buffer of bushes and trees. Supervisor Grubham is going to look into this and work on ideas for the next meeting.

Supervisor Grubham mentioned that information/comments have not come back from Broome County, hopefully by the end of the week. The public hearing will be scheduled for September 6, 2022. The public can discuss the proposed law at that time.

Resolution for Public Hearing.

2. Discussion – Cedarhurst Road Drainage. (LCG)

John Finch explained an issue with a ditch that is located between 272 and 280 Cedarhurst Road. The ditch is on the property of 272 Cedarhurst Road. Some time ago one of the previous Highway Superintendents diverted the water across Cedarhurst to the creek that runs along the side of 272 Cedarhurst. It was a creek, then a ditch, and now a gully that is 6 feet deep, eroding the bank closer to their house. It also effects another property as well. John Finch suggested getting permission from the property owner for the Town to do a one-time fix by reinforcing the ditch with stone and rock and leaving the flow of the water where it is. With another property owner in the mix they may not want the water to continue flowing on their property. Mr. McKertich said there is a general prohibition against using public funds on private property. The exceptions would be if it results in a primary benefit to the public, a community as a whole. Or if there is a claim filed by the private party and the results will settle the claim. Councilman Diffendorf questioned if the Town ever had a legal right to do this, which is unknown. Supervisor Grubham expressed that this should have never

**TOWN OF KIRKWOOD
WORK SESSION**

August 2, 2022

been done. If John Finch's suggestion is not an option, it's going to cost a lot of money to fix this problem. Both sides of the road need to be dug out and all the culverts would need to be changed. This needs to be researched, it's a difficult decision and should be done this year so the property doesn't continue to erode. John Finch will put numbers together for the next meeting.

- 3. Discussion – Resolution authorizing the Supervisor to enter into an agreement with Danziger & Markhoff, LLP to perform GASB # 75 Actuarial Services for post-employment benefit program, at a cost not to exceed \$2,960.00 for FYE 12/31/22 and \$1,628 for FYE 12/31/23, in accordance with the attached agreement. (LCG)**

Resolution.

- 4. Discussion – Truck 34 Update. (JAF)**

John Finch reported the new Truck 34 is in, just waiting for the box to be installed. Old Truck 34 is on the auction site, it is up to a little over \$10,000, and the bidding ends Thursday. Windsor was interested in the truck but issues have come up with the truck since a price was previously discussed. There is a leak in the manifold and a high pitched squeal noise. Windsor is unsure at this point. The alternative is to trade the truck in. John Finch will check with Burr Trucking. Originally it wasn't going to sell for less than \$50,000.

- 5. Discussion – Request from Ward Coe to attend the 112th Conference of the New York State Magistrates Association at the Saratoga Hilton in Saratoga Springs, NY to be held October 31, 2022 – November 2, 2022 at a cost of \$889.26 for the lodging and the meals and a \$75.00 pre-registration fee, with the State reimbursing the Town one night for lodging and mileage.**

Councilman Weingartner suggested holding off on this for a year due to the upcoming election. With the thought being if Judge Coe is not re-elected it would be a waste of money to send him. If he is re-elected waiting another year will not hurt and he'll have the opportunity to go to the next one. The rest of the Board agreed.

- 6. Audit of Claims.**

**TOWN OF KIRKWOOD
WORK SESSION**

August 2, 2022