

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**August 2, 2022**

A regular meeting of the Kirkwood Town Board was held on August 2, 2022 at 6:40 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

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

**PLEDGE OF ALLEGIANCE:** Done Prior to the Work Session

**APPROVAL OF MINUTES:** June 29, 2022 Town Board Meeting

**PUBLIC PARTICIPATION:**

Several people from the public joined the meeting tonight and spoke about issues they have with a farm, known as Whispering Acres Rescue, located at 2391 US Route 11 in Kirkwood. Many of the people attending were neighbors to this farm, while some do not live nearby they have had experiences with the farm and the people running it. The claims made against this rescue/farm include: abuse/neglect of animals, no veterinarian or farrier on a regular basis, improper disposal of dead animal carcasses which then causes health hazards for the neighborhood, animals sent to the butcher, terrible smells, destructive animals are not controlled, animals get loose regularly, barn not structurally stable and rat infested, unsafe pony rides with kids not wearing helmets, and physical threats to people that speak out against them. In addition to these claims it was also mentioned that the animals at this property are pets and not rescued. Pictures were passed around showing some of the issues listed above. The neighbors have started a petition against this farm/rescue and want them to be shut down and vacate the property (which is rented, not owned by the people running the farm/rescue). They have asked the Town for help. The Humane Society, ASPCA, and PETA have been contacted by the neighbors as well regarding this matter. Mr. McKertich asked if the Department of Health or Department of Agriculture had been contacted. Neither had been. Supervisor Grubham told the group that the Town has limited abilities in this kind of situation. Chad Moran, Code Enforcement Officer, had the farm/rescue fill out paperwork for approval from the Zoning Board, since the property is not zoned for a business. Supervisor Grubham acknowledged that the Board has heard them and will try to find organizations that would be available to help out with the situation.

Also noted, there was no one in attendance from Whispering Acres Rescue at this meeting.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

**Dog Control Report.**

Councilwoman Legg reported numbers from the July 2022 Dog Control Report. A copy is filed in the Town Clerk's office.

**Senior Picnic.**

The senior luncheon is being held at the Kirkwood Fire Station at noon tomorrow. Councilwoman Legg invited the Town Board members to attend.

**Concerts in the Park.**

The last concert is Thursday. It's been a great summer session with all the concerts each Thursday.

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**OLD BUSINESS:**

112:22  
Schedule PH  
Solar Energy  
LL #6

Councilman Diffendorf moved to adopt resolution scheduling a Public Hearing on September 6, 2022 at 6:00 PM on the proposed Solar Energy Systems Local Law. Councilwoman Wasson seconded.

**Discussion.** Tom Milligan from the public asked if the process to pass the solar law could be sped up in anyway. Supervisor Grubham explained that there is a legal process to follow and it will be moved along as fast as it is allowed.

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

MOTION CARRIED.

113:22  
Agreement  
Post  
Employment  
Benefit  
Program

Councilwoman Wasson moved to adopt 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 \$1,628.00 for FYE 12/31/23, in accordance with the attached agreements.

Councilwoman Legg seconded.

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

MOTION CARRIED.

**DISCUSSION:**

**All-Inclusive Playground.**

After a packet was handed to the Board with drawings of the All-Inclusive Playground and a quote from Miracle Recreation Equip. Co., Councilwoman Legg announced that the non-profit group, Friends of Kirkwood Community, has received the funding needed to build the playground. The proposed playground will be located at Veterans River Park alongside the tennis courts. Councilwoman Legg reported one main concern by the funders is the price of the playground continually increases each month. The sooner it can be ordered the better so the price can be locked in, which is currently at \$210,264, with that quote being valid for 30 days. After the playground is installed it will become the property of the Town of Kirkwood since it will be located in a town park. There are still a few things to button up before this gets ordered, but if the order can be placed in the next month or so we can expect the equipment to arrive in the spring of next year. The main focus now will be the legal matters since this will be Town property but funded by Friends of Kirkwood Community, Inc.

**AUDIT AND PAYMENT OF CLAIMS:**

114:22  
Audit/Pay

Councilwoman Legg 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 #22000825 through #22001002 in the total amount of \$1,126,044.70, which includes prepaid claims as authorized by resolution adopted January 4, 2022. Councilman Weingartner seconded.

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

MOTION CARRIED.

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**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 7:41 PM

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk