

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 6, 2022

A regular meeting of the Kirkwood Town Board was held on September 6, 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
William Tozer, Deputy Commissioner of Public Works
Marchie Diffendorf, Planning Board Chairman

PLEDGE OF ALLEGIANCE: Done Prior to the Public Hearing

APPROVAL OF MINUTES: August 2, 2022 Town Board Meeting

PUBLIC PARTICIPATION: Robert Gaube of 39 Roberts Street spoke to the Board regarding his concerns for the proposed development of the Five Mile Point Race Track site. Mr. Gaube described the proposed development, two warehouses, parking lots, tractor trailer docks, and size of the buildings which he compared to the new FedEx building. He suggested the warehouse traffic would be serviced by Frances Street noting there are many single and multi-family houses on the other side of the street along with 96 apartment units. He continued by stating Frances Street splits Valley Park which is zoned recreational and is an actively used park. With a concern for an increase in traffic he highlighted other issues on Frances Street such as, four bus stops used in the morning, afternoon, and for after school activities, many adults and children walk, jog, or ride bikes with no sidewalks available, limited visibility near Roberts Street and at the intersection with Crescent Drive, and lighting and noise disruptions with specific attention to the use of jake breaks by the tractor trailers. The race track was grandfathered in and this is no longer the case. Mr. Gaube asked the Board to do right by the residents of Kirkwood.

Mr. Gaube took a few more minutes to stress to the Board that Frances Street is not a safe road for the warehouse traffic. He strongly suggested that having the traffic diverted to Grosset Drive is the only reasonable option. Mr. Gaube left copies of his letter, notes, and research with the Town Clerk, which will be kept on file.

Supervisor Grubham explained that no decisions will be made at this time. Once the 239 review is complete then more discussions and decisions can be made.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Crescent Drive Ditch.

Councilwoman Wasson reported that residents from Crescent Drive are happy that the ditch has been fixed.

Dog Control Report.

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

Guardrail at Valley Park.

Supervisor Grubham mentioned the guardrail is done at Valley Park. Supervisor Grubham sent the DOT a nice letter thanking them.

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Town Historian.

Supervisor Grubham told the Board that Karen Ferguson, Town Historian, and her husband have been doing a wonderful job at the Historical Society School House, she does not get enough recognition for all the hard work she has done (along with her husband who volunteers his time). They both have really put a lot of effort into the project. Supervisor Grubham thanked them both.

Code Enforcement Officer.

Supervisor Grubham also acknowledged the abuse Chad Moran, Code Enforcement Officer, has taken over the last month or two regarding some issues in the Town. People have been threatening him, calling him all kinds of names and more. He gets through it, doesn't go overboard and gets the job done.

Delay on Projects.

Supervisor Grubham explained many projects that were slated to get done are going to be put on hold because there are no contractors available. The bidding requirements, depending on the size of the job, is to get two bids for each project and it's a struggle to get one bid at times. Supervisor Grubham said we will keep trying to get the projects done.

Environment Assessment Form/SEQR.

Mr. McKertich reviewed the SEQR (State Environmental Quality Review) Full Environmental Assessment Form with the Board. All questions in Part 2 of the Form received answers of none or small impact on the environment. The Board concluded that there would be no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared and a negative declaration is issued. A copy of the completed Full Environmental Assessment Form is on File in the Town Clerk's office.

OLD BUSINESS:

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, adopting the Full Environmental Assessment Form regarding the Solar Energy Systems Local Law, in accordance with the attached Full EAF. Councilwoman Wasson seconded.

115:22
Adopt
EAF for LL #6
Solar

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

MOTION CARRIED.

Councilwoman Wasson moved to adopt resolution, after a Public Hearing, adopting Local Law No. 6-2022 entitled "Solar Energy Systems", in accordance with the attached resolution. Councilwoman Legg seconded.

116:22
Adopt LL#6
Solar Energy
Systems

Discussion. Councilman Diffendorf wanted to discuss Section 706 B9 of the solar law regarding commercial solar systems and the distance from any public street or roadway. It currently states no solar system closer than 50 feet from the centerline of any public street or roadway. Mr. McKertich stated that we want to act consistent with the state regulations which identify it as 50 feet from the centerline of the road. Councilman Diffendorf explained that he thought it should be 50 feet from the property line of the road, not the centerline. Centerlines can be wrong at times causing the 25 foot right of way to be in a different area. This is for commercial projects, not the smaller residential projects. Supervisor Grubham asked if it could be changed. Mr. McKertich explained the law should be in its final form prior to adoption, with an aging period of 7/10 days depending on if its mailed or put on your desk. If something was changed tonight the concern would be if that violates the aging requirement because there will not be a 7/10 day aging period to review the law in its final form. Mr. McKertich said an amendment can be done at a later time.

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

MOTION CARRIED.

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117:22
Grievance Day
Unit
Assessments
2023

Councilwoman Legg moved to adopt resolution scheduling a Grievance Day Hearing on the 2023 Unit Assessment for September 27, 2022 at 6 PM. Councilman Weingartner seconded.

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

MOTION CARRIED.

118:22
Fix Drainage on
Cedarhurst Rd

Councilman Weingartner moved to adopt resolution, following the receipt of a notice from the property owners at 272 Cedarhurst Road and an examination of the results of the Town's historic relocation of the stormwater flow off of Cedarhurst Road, authorizing the Public Works Director to perform stormwater management improvements at 272 Cedarhurst Road in order to address the impacts of the Town's prior stormwater work, subject to an Access Agreement and Waiver to be sign by the parties. Councilman Diffendorf seconded.

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

MOTION CARRIED.

119:22
Agreement with
Broome County
New Radio
Equipment

Councilman Diffendorf moved to adopt resolution authorizing the Supervisor to sign the Broome County Interoperable Communications System Memorandum of Understanding with Broome County, in accordance with the attached MOU. Councilwoman Wasson seconded.

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

MOTION CARRIED.

120:22
Sale of
Truck #34
to Windsor
Highway

Councilwoman Wasson moved to adopt resolution authorizing the sale of the 2010 Autocar Volvo, Vin #4V5KC9EH9AN293251 to the Town of Windsor for the amount of \$45,000 including Head Plow & Wing. Councilwoman Legg seconded.

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

MOTION CARRIED.

121:22
Approve
Installation of
Storm Pipes
Crescent Dr.

Councilwoman Legg moved to adopt resolution authorizing Vacri Construction Corporation to install (2) 18" storm pipes across Crescent Drive to daylight at the Town Highway Garage, at a cost not to exceed \$12,692.00, in accordance with the attached proposal. 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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Councilman Weingartner moved to adopt resolution authorizing Aidan Ellsworth to attend W2O Grade C Certification Training on September 19-23, 2022, at a cost of \$575, with all reasonable expenses paid, in accordance with the Reimbursement Policy for Employee Training Expenses. Councilman Diffendorf seconded.

122:22
Education
A.Ellsworth
W&S

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the Supervisor to enter into an agreement with PayGOV.US, LLC to allow credit cards as payment for the Town Clerk's Office, in accordance with the attached agreement. Councilwoman Wasson seconded.

123:22
Agreement with
PayGOV for
Credit Card
Town Clerk

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

MOTION CARRIED.

Councilwoman Wasson moved to adopt resolution authorizing the submission of the proposed Five Mile Point Race Track Site rezoning request by Adam Meinstein to the County for a GML 239 M review. Councilwoman Legg seconded.

124:22
Submit 239 M
Review to
County
Rezoning Five
Mile Point
Track Site

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

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 #22001003 through #220001161 in the total amount of \$606,654.06, which includes prepaid claims as authorized by resolution adopted January 4, 2022.

125:22
Audit/Pay

Councilman Weingartner seconded.

Roll Call Vote: Councilman Diffendorf - yes
 Councilwoman Wasson - yes
 Councilwoman Legg - yes
 Councilman Weingartner - 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 7:29 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk