

**TOWN OF KIRKWOOD
WORK SESSION**

December 30, 2024

Present: Supervisor Lewis Grubham
Councilmember William Diffendorf, Jr.
Councilmember Katie Legg
Councilmember Sandy Wasson
Councilmember Robert Weingartner

Also Present: Robert McKertich, Attorney
Kelley Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Karen Ferguson, Historian

- 1. Discussion – Resolution reappointing Peter M. Maciak as Member Planning Board for a term to expire December 31, 2029. (LCG)**
- 2. Discussion – Resolution authorizing the continuation of petty cash for 2025, subject to audit by the Budget Officer, for the following department at specified amounts, pursuant to Town Law Section 64, Paragraph 1(2): (LCG)**

Bookkeeper	\$100
Building & Code Inspector	\$100
DPW Commissioner	\$200 and \$35 for Water Department
Supervisor	\$200
Town Clerk	\$200
Town Justice	\$200

- 3. Discussion – Resolution authorizing the Supervisor to enter into an agreement with Southern Tier Zoological Society, Inc., in accordance with the attached agreement. (LCG)**
- 4. Discussion – Resolution authorizing the Supervisor to enter into an agreement with Roger Studer d/b/a Studer’s Body Shop & Garage, in accordance with the attached agreement. (LCG)**

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5. Discussion – Resolution approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for Chad Moran, Dog Control Officer, in accordance with the attached resolution. (LCG)

**6. Discussion – Resolution, on the 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 will be for the year 2024:
Quilty Hill Mobile Home Park, 49 Quilty Hill Road, Kirkwood, NY 13795
Owner: Charles Tai**

Supervisor Grubham explained this license is for the year 2024 after the owner finally met all the requirements asked of him. The 2025 license will be issued in the near future.

7. Discussion – Resolution appointing Devin Fleetwood as Recreation Supervisor PT Provisional, effective January 1, 2025 at a salary of \$7,000. (LCG)

Supervisor Grubham, Councilmember Legg, and the current Recreation Supervisor, Marc Latini interviewed three people for the position that were all very good candidates. Devin Fleetwood has been in a program like this before and seemed to understand it the best. Councilmember Legg felt he would be able to take this program to the next level and be a good addition to the Town.

8. Discussion – A Resolution Amending the Town of Kirkwood Health Benefit Plan Regarding the Employees Reimbursement Pool (ERP), in accordance with the attached resolution. (RHM/LCG)

Councilmember Weingartner explained to the Board what he thought were his two options into retirement, to take the Town insurance package where the Town pays for his health insurance, or continue to collect the Employees Reimbursement Pool (ERP) money for not using the Town’s insurance. As Councilmember Weingartner moved closer to his retirement date he found out he did not meet the age requirement to continue receiving the ERP money (eligibility age is 62). Councilmember Weingartner conducted his own research of the health benefit plan and handed out a packet to his fellow Board members

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explaining where he thought a possible past error was made regarding the age requirements of the ERP. He thoroughly went over the packet in detail with the board members. Councilmember Weingartner suggested the ERP eligibility into retirement should have been age 55 instead of 62 and asked for the Board's support in changing the Health Benefit Plan. This packet is on file in the Town Clerk's office for review. Councilmember Weingartner stated, this is not an amendment for Bob Weingartner, it is an amendment for all the employees of the Town of Kirkwood. He felt it should be changed whether he was retiring or not.

Councilmember Diffendorf understood Councilmember Weingartner's plea for the change but also acknowledged that doing so makes it appear to be a special arrangement due to the timing of Councilmember Weingartner's retirement. If it had been brought up six months ago it may be a different story. Councilmember Diffendorf proposed extending Councilmember Weingartner's ERP eligibility and if doing so also extending John Finch's request for health insurance coverage, that was the only way he could be on board with the ERP amendment at this time. Councilmember Weingartner suggested the two situations are completely different. Councilmember Legg stated making exceptions is not always the right way to go about things, and questioned where do you stop making exceptions.

Councilmember Wasson felt she needed more time to look at all the information and at first glance it appears it is being changed for one person.

Mr. McKertich reminded Councilmember Weingartner no matter what the Board decided on the amendment of the ERP age requirements, he would need to decide whether or not he wanted to go on the Town's insurance plan by the end of the year (which is tomorrow).

Councilmember Legg was frustrated that she received information regarding this amendment on Saturday (12/28), and more information on Monday (12/30), giving her no time to research any of it. She suggested the Board is doing the Town a disservice when items up for discussion are not researched or followed through on properly. Councilmember Legg recommended all the Town policies get looked at since many of them were made years ago, some of them may need

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updating. Councilmember Legg concluded the timing was not right to make a change since it would directly benefit Councilmember Weingartner, and it should not have been given to the Board last minute.

9. Audit of Claims.

Five Mile Point Fire Company Letter.

The Five Mile Point Fire Company wrote a letter to the Kirkwood Supervisor's office and Code Department regarding upcoming issues with the introduction of lithium-ion battery technology and solar energy in and around the Town of Kirkwood. Councilmember Legg suggested a moratorium needs to be enacted on solar farms until the Fire Company's concerns can really be looked at and addressed. Supervisor Grubham noted the letter was just recently received and the topics listed can be discussed. He thought most of the items listed were basically a heads up to keep the Town aware of future needs. Supervisor Grubham also mentioned some of the items noted were already being handled or in the works. After receiving the letter Supervisor Grubham planned to meet with someone from the fire company to discuss it.