

TOWN OF KIRKWOOD WORK SESSION

May 27, 2025

Present: Supervisor Lewis Grubham
Councilmember William Diffendorf, Jr.
Councilmember Marc Latini
Councilmember Katie Legg
Councilmember Sandy Wasson

Also Present: Robert McKertich, Attorney
Jessica Cambisi, Deputy Town Clerk
Poe Williams, Highway Superintendent
Duane Travis, Zoning Board Chairman

Absent: Kelley Diffendorf, Town Clerk

- 1. Discussion – 2025 ACHIEVE Agreement. (LCG)**
- 2. Discussion – Pursuant to section 3A(e) of Local Law No. 2-1979 entitled “A Local Law Regulating the Use of Parks of the Town of Kirkwood”, authorizing the Town Clerk to issue a permit to the Kirkwood Town Fair, Inc., for the use of the entire Kirkwood Veterans River Park on August 10, 2025 without any permit fee to guarantee proper clean up after use. (LCG)**
- 3. Discussion – Replace the roof on the back side of the Town Hall. (LCG)**
Supervisor Grubham explained the back side of the Town Hall badly needs a new roof, it is 37 years old and needs to be replaced before it starts leaking and causing problems inside the building. He reminded the Board the roof section over the offices was replaced last year, that was 41 years old and had already started leaking. The front section over the boardroom can be replaced last since that roof is only 21 or 22 years old.
- 4. Discussion – Reimbursement to Five Mile Point Fire Company and Kirkwood Fire Company for the following items: Electric vehicle fire nozzle, Electric vehicle disabling plug, Electric vehicle fire blankets, Lithium ion runaway battery containment pouch, E-Fire extinguisher for**

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Lithium ion battery, Class K (cooking grease fire) extinguisher, PV Stop Extinguisher (solar panel blackout extinguisher), and Hot Stick Voltage detections, for an approximate cost of \$7,131. (LCG)

Supervisor Grubham referenced a letter that was received from the Five Mile Point Fire Company several months ago with an attached list of items they requested for their department. Although all the items listed were not within the Town's budget, many of the items were related to battery fires, particularly regarding electric vehicles. After reviewing the information, Supervisor Grubham decided it was appropriate for both fire companies to have these items available.

- 5. Discussion – Resolution authorizing Delaware Engineering, D.P.C. to also perform a Regulatory Review – Local, at a cost not to exceed \$9,750, in accordance with their Professional Services Agreement. (LCG)**

When the Delaware Engineering agreement was passed last month, the Regulatory Review portion was overlooked, so authorizing this will get it added to the agreement.

- 6. Discussion – Resolution authorizing Matt Loftus to attend the Southeastern New York Water Works Conference on Thursday, June 12, 2025, at the Sidney American Legion, at a cost of \$15 for the annual dues and \$40 for the Spring meeting. (LCG)**

- 7. Discussion – A Local Law Amending the Swimming Pool Ordinance Regarding Regulations for Above Ground Pool Enclosures – Schedule a Public Hearing for Monday, June 23, 2025 at 6 PM. (RHM)**

Mr. McKertich explained the Town's current Swimming Pool Ordinance references a New York State Property Maintenance Code section number that no longer exists regarding the requirements for above ground pools. Therefore, the Town's Swimming Pool Ordinance needs to be updated to reflect the new section number to coincide with the State's information.

- 8. Discussion – Resolution authorizing Chad Moran to attend the Southern Tier Home Builders & Remodelers Association training on Tuesday, June 10, 2025, in Binghamton, at a cost of \$35. (LCG)**

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**9. Discussion – A Local Law Amending the Prior Written Notice of Defects
Local Law Requiring a Physical Hard Copy of the Notice – Schedule a
Public Hearing for June 23, 2025 at 6:02 PM. (RHM)**

In 1974, the Town adopted a local law regarding the Town's liability of defects (such as potholes) on town owned property with prior written notice. Currently, if someone submits a written notice to the Town Clerk or Highway Superintendent about a pothole or other defect, the Town has a reasonable amount of time to fix the issue, if the Town does not fix it in a reasonable amount of time and a written notice has been received then the Town could be liable for anyone that gets injured in that pothole/defect. Earlier this year, the City of Albany was held liable when a motorcyclist was seriously injured on a pothole that had not been taken care of, after it had been reported in a communication app for residents. The purpose of this amended local law will specify that the prior written notice must be an actual physical hard copy given to the Town Clerk or the Highway Superintendent and it is not an email or submitted through an app or through any other electronic communication. This is protecting the Town from liability. A phone call is a notice to the Town, but the Town cannot be held liable with just a phone call. Supervisor Grubham and Poe Williams noted that calls are taken care of regularly.

**10. Discussion – Resolution approving the request from The Rusty Mug, Inc.
for a waiver from the Town of Kirkwood from the 30-day waiting period
regarding their liquor license application. (LCG)**

Mr. McKertich explained the 30-day waiting period allows the municipality to comment to the State Liquor Authority if the municipality had any concerns with the State issuing the license to the applicant (The Rusty Mug). The Town has 30 days to comment and if there are no comments, the Town can waive the waiting period, and The Rusty Mug can move forward with their application.

**11. Discussion – Resolution authorizing the Budget Journal Entries, in
accordance with the attached Budget Adjustment Sheet. (LCG)**

12. Audit of Claims.