

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**March 1, 2016**

A regular meeting of the Kirkwood Town Board was held on March 1, 2016 at 6:00 PM at the Joseph A. Griffin Town Hall with Supervisor Gordon Kniffen presiding.

Present: Supervisor Gordon Kniffen  
Councilman Robert Weingartner  
Councilman Lewis Grubham  
Councilman William Diffendorf, Jr.  
Councilwoman Linda Yonchuk

Also Present: Oliver Blaise III, Attorney  
Gayle Diffendorf, Town Clerk  
Raymond Coolbaugh, DPW Commissioner  
Marchie Diffendorf, Planning Bd. Chairman

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** February 2, 2016 Town Board Meeting

**PUBLIC PARTICIPATION:** None.

**COMMUNICATIONS:** Liquor License Application Notice from The Night Kitchen

**COMMITTEE REPORTS:**

**Insurance:** Councilman Weingartner reported that all the insurance renewals are being processed. The flood insurance premium increased about \$150 each for the town hall and highway garage.

**Natural Gas:** Supervisor Kniffen reported that many years ago Kirkwood got natural gas as far as Bell School and tried to have it expanded to other areas but at that time NYSEG said the town would have to pay for all the trenching and an inordinate number of people would have to sign up for it. Recently Todd Grubham, Councilman Grubham's son, got this started again and as a result natural gas is now going to go from Bell School to Trim Street and into Zimmer Road. Originally this was going to take place in two phases. The first phase would be up to Johnson Road and Valley Vista and the second phase would take the line to Zimmer. That changed and now they are going to start laying the main this spring for the entire project, which is good news.

**Water System Audit:** Supervisor Kniffen reported the Town received a good report from the Health Department regarding the audit they conducted on the Kirkwood water system.

**History of Race Tracks in Kirkwood:** Elwood Derr introduced Gary George who is working on the history of motor sports in the Town of Kirkwood. Elwood explained that a Power Point presentation will be held on April 12<sup>th</sup> at the Kirkwood Fire Station on Main Street. Information in this regard will be in The Country Courier, The Windsor Standard and Vestal's Town Crier. Elwood said that although most people don't know it, at one time there were 3 race tracks in Kirkwood. The first and second tracks were located in what is now Veterans River Park. Mr. George said they have been doing a lot of research and he hopes everyone comes, noting that Kirkwood is a great township. He feels the presentation will be very informative. They have over 3,000 pictures of all the tracks, newspaper clippings and many things they have obtained through access to racing papers. There will be a lot of very interesting facts that will come out and some great history of some of the people that live in this township. A sprint car that was raced at the Kirkwood Speedway in 1939 was restored and the owner will have it on display at the presentation. A number of drivers will be in attendance as well. Mr. George said the Historical Society is behind this and Elwood Derr has done an excellent job working with him. Elwood thanked Marchie Diffendorf and the Diffendorf family for providing a lot of information and pictures regarding the history of one of the racetracks.

**Town Historian:**

Supervisor Kniffen reported that Elwood Derr informed him he will be retiring as Town Historian. He feels Elwood has done a super job, is a native of Kirkwood and

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knows a lot about the history of Kirkwood. Elwood had numerous articles published in The Country Courier about Kirkwood. The position will be advertised for.

**Comprehensive Plan:**

Supervisor Kniffen reported a meeting was held last Thursday at Bell School regarding the Comprehensive Plan update. The entire committee was in attendance. The meeting was very well attended, was very interesting and people asked a lot of good questions. It gave the County and the entire committee more information to look at in updating the plan. He thanked the committee for their continuing work on this update.

**NEW BUSINESS:**

**Philip Payne:** Supervisor Kniffen explained that Phil Payne was a little league coach in Kirkwood for 40 years and dedicated a lot of time to the Town's youth. He was on the Youth Commission for many years as well. Recently Phil passed away suddenly and the Board wants to honor and remember him. Phil's family, past coaches and former little leaguers of Phil's (the Weingartner boys) were in attendance.

Gary Covert, former youth director in Kirkwood, said Phil and others present coached little league for him for quite a few years. Some of them, including Phil and Gordi Kniffen, coached even when they didn't have any kids of their own in the program. These coaches put in a lot of effort and helped a lot of kids, not just about how to win but also how to be part of a team. He said he was very fortunate and proud to have guys of that caliber coaching. He requested that the Board consider naming the little league field at Grange Hall Park after Phil Payne. He noted this had been his plan before Phil passed away and added that he had been involved in getting the little league field at Veterans River Park named after Gordi who had coached 50 years at that time.

Supervisor Kniffen said Phil's son Mark told him that Phil looked forward to the little league season every year and kidded that he had to get Gordi each year, which Supervisor Kniffen said Phil did most years. Supervisor Kniffen noted there used to be 9 little league teams in Kirkwood but basically there is no little league program in Kirkwood any longer. The last 2 years he coached there was only 1 team and he and Phil coached it together in the Windsor league, which is a good memory for him in addition to all the other memories. He said they are very proud of Phil and added that whenever anyone talked about Phil they said "what a good guy".

Sharon Payne, Phil's wife, said Phil poured his heart and his life into the boys. He wanted them to be able to play ball and not worry about losing. He told them as long as they did the best they could do that was all that was expected of them. He taught them that fighting and arguing was not what little league baseball was all about. She said their lives were changed during little league season because everything revolved around little league. They could only take a vacation after little league was over, including the playoffs. The 2 times they had to go away Phil was antsy the whole night until he could call and find out the results of the game. He loved the boys and she thinks the boys appreciated it because several of them came to Phil's funeral and said he was the best coach they ever had. She is thankful to God for giving Phil to her for the 46 years they were together and that God gave them their son. She knows Phil is in a far better place.

Councilman Grubham said Phil was on the Youth Advisory Board as well and helped out at many functions such as the Christmas Party. He was a friend to all of them and a joy to be around. He said he appreciates the opportunity to be able to read the resolution honoring Phil.

Councilman Grubham moved to adopt Resolution Honoring Philip Payne, in accordance with the attached resolution. Councilman Diffendorf seconded.

Roll Call Vote:	Councilman Weingartner	- yes
	Councilman Grubham	- yes
	Councilwoman Yonchuk	- yes
	Councilman Diffendorf	- yes
	Supervisor Kniffen	- yes

**MOTION CARRIED.**

41-16  
Honor  
Philip Payne

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After reading the resolution, Councilman Grubham presented a certified copy to Sharon and Mark Payne. Councilman Diffendorf added that he knew Phil all his life, they grew up together. He said they always got together for the Town's Christmas Party, Easter Egg Hunt and little league parties. He noted that Phil played on the only undefeated football team as a lineman at Susquehanna Valley, over 50 years ago, which is quite an honor.

**Michael Beebe:** Supervisor Kniffen said they would like to honor another special guest, Michael Beebe, who actually played his last year in little league for Supervisor Kniffen's team, the Dodgers. In addition to being a good basketball player, last year Michael participated in the high jump and became the champ of New York State, which is awesome. Michael is a member of the Lee family with uncles that played great basketball for Windsor and went to Syracuse. His information from Councilman Weingartner, who has been working with Mike, is that his plan is to jump up to 7 feet.

Councilman Weingartner said he teaches and coaches at Susquehanna Valley and for 20 years he has also helped out with Windsor high jumpers. This worked well since Windsor's coach was more of a pole vault coach and he helped with SV pole vaulters in the past. Councilman Weingartner said he has been very fortunate to work with some pretty good jumpers both at SV and Windsor. Last year Windsor's coach asked if he would start working with Michael. He said at times Michael would ride his bike from Johnson Road to SV to work out, that he is a special jumper, and jumped 6'6" to win the championship. Councilman Weingartner explained there are 2 divisions in track and field which has to do with school enrollment, and Michael was the champion of Division II and was third in the entire state which includes all public and private schools. He said Michael has some lofty goals and it was awesome to be able to honor Michael at this meeting because he is a product of Kirkwood's youth program.

Councilman Weingartner moved to adopt Resolution Honoring Michael Beebe of Kirkwood, NY, in accordance with the attached resolution. Councilwoman Yonchuk seconded.

Roll Call Vote:	Councilman Weingartner	- yes
	Councilman Grubham	- yes
	Councilwoman Yonchuk	- yes
	Councilman Diffendorf	- yes
	Supervisor Kniffen	- yes

42-16  
Honor  
Michael  
Beebe

**MOTION CARRIED.**

After reading the resolution Councilman Weingartner presented a certified copy to Michael and his mother, Pat. Councilwoman Yonchuk noted that many members of Michael's family were in attendance, including his grandmother, Connie Lee. Pat Beebe thanked Bob Weingartner for being a great coach. Councilman Diffendorf said that although he has never seen Mike high jump he gets up in the air real high in basketball.

**Sewer Pump Repair:** Mr. Blaise explained that Ray Coolbaugh submitted a proposal for the repair of a sewer pump. Ray added this is basically an emergency since last week they had 2 pumps go down and they are currently only running on 2 pumps.

Councilman Diffendorf moved to adopt resolution approving the payment of the repair for the sewer pump as outlined in the proposal that was submitted by the Department of Public Works Commissioner. Councilman Grubham seconded.

Roll Call Vote:	Councilman Weingartner	- yes
	Councilman Grubham	- yes
	Councilwoman Yonchuk	- yes
	Councilman Diffendorf	- yes
	Supervisor Kniffen	- yes

43-16  
Sewer Pump  
Repair

**MOTION CARRIED.**

Councilman Grubham moved to adopt resolution accepting the proposed PILOT Agreement for Modern Marketing Concepts as proposed by The Agency and authorizing the Supervisor to sign it. Councilman Weingartner seconded.

Roll Call Vote:	Councilman Weingartner	- yes
	Councilman Grubham	- yes
	Councilwoman Yonchuk	- yes
	Councilman Diffendorf	- yes

44-16  
PILOT  
Modern  
Marketing  
Concepts

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Supervisor Kniffen - yes

MOTION CARRIED.

**OLD BUSINESS:**

45-16  
Sched PH  
Opt Out  
Tax Exemp  
Comm. &  
Industrial

Councilwoman Yonchuk moved to adopt resolution scheduling a Public Hearing for March 29, 2016 at 6:00 PM regarding the town opting out of real property tax exemption for the development of commercial and industrial properties under Real Property Tax Law sec. 485-b. Councilman Diffendorf seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

46-16  
J. Smith  
Attend  
Conf.

Councilman Diffendorf moved to adopt resolution authorizing Jean Smith to attend the 2016 Regional User Group Conference sponsored by Edmunds & Associates, to be held in New Windsor, NY on April 29, 2016, with all reasonable expenses paid. Councilman Grubham seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

47-16  
Adopt Ad  
Policy for  
Hiring

Councilman Grubham moved to adopt resolution adopting the Policy for Advertising Positions of Employment with the Town of Kirkwood, in accordance with the attached policy. Councilman Weingartner seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

48-16  
Appt C&G  
Tax  
Assessmnt  
Cases

Councilman Weingartner moved to adopt resolution authorizing the appointment of Coughlin & Gerhart, LLP, as attorneys for the Town of Kirkwood, to represent the town in the following tax certiorari proceedings, including petitions, motions and appeals therefrom, previously assigned to H. Kline, as work outside the scope of work contemplated by the legal services retainer agreement at an hourly rate of \$200.00, with payment requests to be submitted by voucher: Club Wise Finance Tax Assessment, Inland Paperboard Corporate Tax Assessment, MECAS, LLC Tax Assessment, Southern Tier Communities, LLC Tax Assessment, Wisner Baker, LLC Tax Assessment. Councilwoman Yonchuk seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

49-16  
Sched PH  
Amend  
Zoning LL  
Temp  
Signs

Councilwoman Yonchuk moved to adopt resolution scheduling a public hearing for March 29, 2016 at 6:05 PM regarding amending provisions of Section 504.18 of the Zoning Local Law dealing with temporary signage. Councilman Grubham seconded.

Roll Call Vote: Councilman Weingartner - yes  
Councilman Grubham - yes  
Councilwoman Yonchuk - yes  
Councilman Diffendorf - yes  
Supervisor Kniffen - yes

MOTION CARRIED.

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**AUDIT AND PAYMENT OF CLAIMS:**

Councilwoman Yonchuk 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, and ratifying the payment of the prepaid claims as authorized by resolution adopted January 5, 2016, all in accordance with the abstract of claims on file in the Town Clerk's Office. Councilman Diffendorf seconded.

50-16  
Audit/Pay

Roll Call Vote:      Councilman Weingartner      - yes  
                                 Councilman Grubham                      - yes  
                                 Councilwoman Yonchuk                   - yes  
                                 Councilman Diffendorf                   - yes  
                                 Supervisor Kniffen                        - yes

MOTION CARRIED.

**OTHER:**

Councilman Diffendorf moved to adopt resolution to adjourn this meeting to conduct an Executive Session pursuant to section 105 paragraph h of the Public Officers Law regarding the proposed acquisition of real property when the publicity would substantially affect the value thereof. Councilman Grubham seconded.

51-16  
Exec Sess

Roll Call Vote:      Councilman Weingartner      - yes  
                                 Councilman Grubham                      - yes  
                                 Councilwoman Yonchuk                   - yes  
                                 Councilman Diffendorf                   - yes  
                                 Supervisor Kniffen                        - yes

MOTION CARRIED.

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 7:25 P.M.

Respectfully submitted,

Gayle M. Diffendorf  
Town Clerk