

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

November 1, 2021

A regular meeting of the Kirkwood Town Board was held on November 1, 2021 at 6 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham
Councilman Robert Weingartner
Councilman William Diffendorf, Jr.
Councilwoman Katie Legg
Councilman Arthur Shafer

Also Present: Robert McKertich, Attorney
Kelley Diffendorf, Town Clerk
John A. Finch Jr., Commissioner of Public Works
Jim Smith, Budget Officer

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: October 5, 2021 Town Board Meeting and October 26, 2021 Public Hearing.

PUBLIC PARTICIPATION: None

COMMUNICATIONS: None

COMMITTEE REPORTS:

Marijuana Conference.

Councilman Diffendorf reported that he attended the Fall Education Course regarding marijuana laws at Turning Stone Resort. Councilman Diffendorf claimed the course was informative but nowhere near enough answers. He feels the laws are very complicated and not very well thought out. He gave examples of different scenarios where marijuana can be bought, sold, and used under the new laws. Councilman Diffendorf explained that the CDL drivers that work in the Kirkwood Highway department can still be tested and cannot use marijuana. They are CDL licenses that are regulated by the federal government under the DOT law. Testing is a big problem and proving someone is under the influence of marijuana is difficult. New York State has the biggest marijuana user rates in the United States and is way behind on getting this under control and regulated.

Councilman Diffendorf reiterated that if towns opt in to cannabis sales then you are locked in for good, you cannot opt out.

Supervisor Grubham questioned how this will work in our town parks since smoking cigarettes is not disallowed in them. Councilman Diffendorf brought up that a policy may have to be written about this and medical marijuana as well.

Kirkwood Seniors.

The Kirkwood seniors have their Thanksgiving dinner coming up this Wednesday and their Christmas dinner will be the first Wednesday of December.

Sexual Harassment Workshop.

Councilman Weingartner will be meeting with Pat Regan from Selective Insurance and another gentleman regarding the sexual harassment workshop that will be given online to all of our employees. There will be a \$750 charge for the program but it will have many different training courses that will be helpful to different departments. Councilman Weingartner believes this is a good step forward for the Town. Supervisor Grubham explained this needs to be done every year and it includes everyone that has anything to do with the Town.

Halloween Party.

John Finch reported the Halloween parade/party had a good turnout with about 68-70 kids. Councilwoman Legg thanked John Finch for the great job he did with the Halloween party. She also thanked Councilman Weingartner for being a judge for the costumes.

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PT Court Clerk Retiring – Kathy Martone.

Supervisor Grubham announced that Kathy Martone from the Court is retiring. Her last day is November 30, 2021. The job will need to be advertised and then followed by interviews, with someone most likely being hired in January 2022. Decisions need to be made regarding pay and hours, which will be in the near future.

Sales Tax Money.

Jim Smith reported that the Town received its third quarter check for sales tax. Almost all the money that was anticipated for the year from sales tax has been collected through September 30, 2021, which means the Town will be well over budget when the fourth quarter check is received. Kirkwood's population dropped about 6.4% after the latest census update, which will change the Town's sales tax payment. Jim Smith explained that everything is going up in price so the Town will most likely still see similar numbers for the 2022 budget in sales tax even though population decreased. Jim Smith said by July the 6 month numbers will be in and the Town will have a better idea of what to expect, then decisions can be made on upcoming projects.

Supervisor Grubham wants to be conservation and set the extra money aside. He believes inflation will continue but eventually it will subside and the Town may receive a lot less money than expected. Councilman Shafer recommended a surplus fund.

Stimulus Money.

A list of projects that can be completed using the stimulus money is being compiled according to Supervisor Grubham. The items will be ranked by importance and put in the order Supervisor Grubham and John Finch think they should be done. Some items are expensive and will put a big dent in the stimulus money. These projects won't be started until next spring. Once the list is complete it will be discussed by the Board.

OLD BUSINESS:

Councilman Diffendorf moved to adopt resolution, after a Public Hearing, Adopting Annual Budget for 2022, in accordance with the attached resolution. Councilman Shafer seconded.

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

MOTION CARRIED.

Councilman Shafer moved to adopt resolution scheduling a Public Hearing for November 30, 2021 at 6:00 PM on the Year 2022 Water & Sewer Budget. Councilwoman Legg seconded.

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution scheduling a Public Hearing for November 30, 2021 at 6:05 PM on the Year 2022 Fire Contracts. Councilman Weingartner seconded.

Discussion. Supervisor Grubham noted that Five Mile Point Fire Company wants to buy a new fire engine. The fire company sent Supervisor Grubham a letter asking for the Town's approval in this matter. Supervisor Grubham sees no issue with purchasing the new fire engine, they have a truck that is over 30 years old and they have the money available.

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

MOTION CARRIED.

131:21
Adopt Budget
for 2022

132:21
Schedule PH
for 2022
W&S Budget

133:21
Schedule PH
for 2022
Fire Contracts

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Councilman Weingartner moved to adopt resolution authorizing the Supervisor to sign a contract with Municipal Solutions, Inc., to provide services for the potential refunding of Town of Kirkwood’s outstanding serial bonds, in accordance with the attached contract. Councilman Diffendorf seconded.

134:21
Agreement
with Municipal
Solutions –
Serial Bonds

Discussion. The Town Board reviewed a letter dated September 24, 2021 from Municipal Solutions regarding professional services for possible refunding of outstanding serial bond debt of the Bell School and Colesville Road sewer districts. Jim Smith explained that both debt service schedules have a callable date of November 1, 2022 which Municipal Solutions confirmed present an opportunity to essentially refinance one or both debts if the interest rate environment at that time indicates it would be prudent to do this. Typically the potential rates and terms to refinance need to not only be at lower effective interest but also sufficient to cover the net closing costs including legal and advisor fees. It is our understanding the impacted residents would be invited to review their share of the remaining outstanding debt at November 1, 2022 for potential payoff consideration enabling a reduction in borrowing for those opting to do that. There will be no fees charged by Municipal Solutions as they evaluate the financing situation in 2022 until such time as a decision is made to proceed with a refunding where they will then establish the fee arrangements in advance for approval.

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing Alan Glover and Aidan Ellsworth to attend the Confined Space & Competent Person Training on November 5, 2021 at W2O in Cortland, NY, at a cost of \$100.00 each, and all reasonable expenses paid. Councilman Shafer seconded.

135:21
Education
A.Glover and
A.Ellsworth
W&S

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

MOTION CARRIED.

Councilman Shafer moved to adopt resolution authorizing the purchase of a Wester 8’6” – 11’ Wide Out Snow Plow from Powell’s Sales and Services, Inc., at a cost not to exceed \$6896.00, in accordance with the attached quote. Councilwoman Legg seconded.

136:21
Purchase of
Snow Plow
DPW

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

MOTION CARRIED.

OTHER:

Discussion – Road Project.

The Town Board was made aware that the \$400,000 SAM (State and Municipal) Facilities grant funds for the 2018-2019 major road project finally was received recently. Supervisor Grubham handed out a packet with a time line of the road project thus far. Discussion ensued about how that is to be handled from a cash flow and budget planning perspective. Jim Smith explained the entire project costs have been fully paid for already and DASNY (Dormitory Authority of the State of New York) was provided a copy of an invoice sufficient to demonstrate for their files there was \$400,000 utilized for direct paving costs under the terms of the grant. Eventually the Town had converted short-term BAN (Bond Anticipation Note) financing into a nine year serial bond to the extent of \$990,000 with the remainder of outlays financed by the Highway Fund at \$125,000 per year thus far (2018-2021). The receipt of the \$400,000 now in 2021 was a big relief to everyone and it is

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viewed as reimbursing the Highway Fund now for funds previously spent to finance the cash required to keep the vendors involved paid on a timely basis. The Board now can deliberate how they wish to deploy that Highway recovery of their cash flow to either dedicate it to the outstanding debt service, or to pave other roads where conditions have deteriorated, or possibly some combination of the two.

Many other topics were brought up throughout the discussion. Springer Road getting paved in the spring was at the top of the list. Other roads need work as well, John Finch said it depends on how much CHIPS money is received. The timing and cost of the paving with petroleum prices steadily increasing also needs to be considered. Future projects need to be kept track of and stay on budget. Shared services with other towns was also discussed and question if it should be budgeted into a project cost or just come out of the regular highway budget since the highway employees are working their daily hours either way. Jim Smith and John Finch both felt it should come out of the regular highway budget, not added to project budgets.

Councilwoman Legg asked for a monthly list of all ongoing projects, what the budget is for the project, what has been completed, and what has been spent on the project. Then each project can be monitored and kept on track, or be made aware of anything that might make the project go over budget. Project examples were the water meter installation status, and if the City Line Booster station is up and running.

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 # 21001342 through # 21001476 in the total amount of \$730,012.90, which includes prepaid claims as authorized by resolution adopted January 5, 2021. Councilman Weingartner seconded.

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

MOTION CARRIED.

Discussion. Water Meter Installation. John Finch said his employees will have their Broome County identification tags and leave paperwork when stopping to install a water meter. There have been several calls asking if the Town had employees going to houses, so it was posted on Kirkwood Happenings to help spread the word.

ADJOURNMENT:

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

MOTION CARRIED.

Meeting adjourned at 7:01 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk

137:21
Audit/Pay