

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**June 6, 2023**

A regular meeting of the Kirkwood Town Board was held on June 6, 2023 at 6 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

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  
Marchie Diffendorf, Planning Board Chairman

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** May 2, 2023 Town Board Meeting

**PUBLIC PARTICIPATION:**

Laurence Holt of Trim Street asked the Board if they could reach out to Broome County regarding a sluice pipe that crosses Trim Street by Langdon Park, as well as the catch basins that are blocked up with debris, before the next big rain hits. Supervisor Grubham agreed to take care of it.

Mr. Holt also explained that he was at the Board meeting as his first formal protest to having solar farms in residential areas. He believes having solar farms in residential areas does not benefit the town or anyone. Having them in commercial or industrial areas are more understandable. Residential areas are more about community and schools. Mr. Holt expressed his respect for the Board members but disagreed with the Board voting on a law that allowed solar farms in residential areas, noting many others feel the same and have attended the Planning Board meetings to express that.

Lastly, Mr. Holt suggested that now is the time to start planning something for Veteran's Day, maybe a student could sing the national anthem before a small ceremony. Councilmember Legg stated that herself and Marchie Diffendorf would be putting together a committee to plan the next Veteran's Day ceremony.

Lisa Batzel of William Street spoke about her concerns after hearing the application was rescinded to rezone the Five Mile Point Racetrack Site. She wanted to know why it was rescinded. She described a new plan she heard about that included only one warehouse setting back farther, no manufacturing, and the traffic using Grosset Drive, not Francis Street. She questioned the timing of the rescission and reiterated that people in the area will continue to object to having warehouses in their backyards, while also mentioning that maybe one warehouse closest to Triumph would be fine and if Grosset Drive was used that would be fine too. Lisa Batzel wants answers on the future plans of the developer.

Supervisor Grubham explained that an applicant can rescind an application at any time and does not need an explanation to do so. Furthermore, the developer can always come back with another plan at any time and resubmit another application. Supervisor Grubham explained that the Town has not been approached about any new plans yet. All application submissions are available to the public. Councilmember Legg made it known that if the developer applies to rezone the site again the process starts over from the beginning, it does not pick up where things were left off. Upon request, Mr. McKertich explained the process of an application to rezone property.

Another issue Liza Batzel brought to the Board's attention is a house on her street that remains empty and continually has an overgrown ditch and lawn. Supervisor Grubham will follow up on this with the Code department.

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Tom French of Foley Road inquired about the zoning on his property and whether it had been changed or not. After a short discussion between Tom French and Supervisor Grubham, it was decided that Supervisor Grubham would be in contact with Code Enforcement Officer, Chad Moran to look into the matter.

Rob Blazicek of Main Street came to the Board with a concern regarding two aggressive pit bull dogs that have been running loose through Kirkwood (Main Street, Route 11 area) over the past year or more, numerous times. Mr. Blazicek doesn't feel safe going into his own back yard because of these dogs, and feels it is wrong to have this concern. Dave Travis of Main Street also spoke about the dogs and explained how they had him cornered on his porch recently. They also went after a neighbor after leaving Mr. Travis's property. He has also seen these dogs loose several times over the past year. Both residents expressed their feelings of frustration and fear of someone getting seriously hurt.

Supervisor Grubham reported the two dogs in question were picked up recently by the Dog Control Officer, but the owner paid the fine and the dogs were given back. He recommended calling the Dog Control Officer as soon as the dogs are seen loose so she can pick them up and take them to the pound. The Dog Control Officer is following the law. Supervisor Grubham understands the frustration about the dogs.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

**Paving Process.**

Councilmember Sandy Wasson was able to see the paving process when she took a tour of Johnson Road and found it very informative.

**Dog Control Report.**

Councilmember Legg reported numbers from the May 2023 Dog Control Report. A copy is filed in the Town Clerk's office.

**Seniors Committee.**

NYSEG is handing out energy efficiency boxes at the senior's lunch tomorrow. Items include a power strip, light bulb, and a water efficient shower head.

**Narcan Training.**

Councilmember Katie Legg, partnering with the Office for Addiction Services & Support scheduled Narcan training on July 12, 2023 at the Kirkwood Fire Station on Main Street from 6 PM – 8 PM, it is open to the public and everyone will leave with a Narcan kit.

**Park Vandalism.**

John Finch reported that the person responsible for driving through the ball fields, tearing up grass, and striking a pole at the parks has been caught and will be facing felony charges.

**Brookvale Cemetery.**

Councilmember Diffendorf reported that the cemetery was mowed for Memorial Day and that it looked nice.

**OLD BUSINESS:**

Councilmember Diffendorf moved to adopt resolution accepting the rescission of the rezoning applications submitted by Five Mile Point Warehouse Investor, LLC and Kirkwood Warehouse Investors, LLC and the conclusion of the public hearing process for a Local Law rezoning 110 William Street (Tax Map # 162.15-2-11), 925 NYS Route 11 (Tax Map # 162.15-2-12) and a portion of 24 Sunset Drive (Tax Map # 162.16-1-18) to the Industrial Development Zoning District. Councilmember Wasson seconded.

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

**MOTION CARRIED.**

76:23  
Accept  
Rescission of  
Rezoning App  
Racetrack Site

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Councilmember Wasson moved to adopt resolution authorizing the purchase and installation of a new telephone system by CPE Inter Link at a cost of \$10,479.

77:23  
Purchase New  
Telephone  
System

Councilmember Legg seconded.

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

MOTION CARRIED.

Councilmember Legg moved to adopt resolution authorizing the Supervisor to enter into an agreement with the Police Athletic League (PAL) for the 2023 Summer Camp Program, in accordance with the attached agreement. Councilmember Weingartner seconded.

78:23  
PAL  
Agreement

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

MOTION CARRIED.

Councilmember Weingartner moved to adopt resolution authorizing the Supervisor to enter into an agreement with ACHIEVE for the 2023 Summer Camp Program, in accordance with the attached agreement. Councilmember Diffendorf seconded.

79:23  
Achieve  
Agreement

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

MOTION CARRIED.

Councilmember Diffendorf moved to adopt resolution adopting the Short Environmental Assessment Form regarding “A Resolution to Acquire a Permanent Sewer and Access Easement and Right-of-Way” regarding 56 Barlow Road, Kirkwood, NY, Tax Map # 162.05-2-24, in accordance with the attached Short EAF. Councilmember Wasson seconded.

80:23  
Adopt EAF  
Sewer/Access  
Easement  
56 Barlow

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

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution to Acquire a Permanent Sewer and Access Easement and Right-of-Way regarding 56 Barlow Road, Kirkwood, NY, Tax Map # 162.05-2-24, in accordance with the attached resolution. Councilmember Legg seconded.

81:23  
Adopt  
Permanent  
Sewer/Access  
Easement  
56 Barlow

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

MOTION CARRIED.

Councilmember Legg moved to adopt resolution adopting the Short Environmental Assessment Form regarding “A Resolution to Acquire a Permanent Sewer and Access Easement and Right-of-Way” regarding 741 Upper Court Street in the Town of Kirkwood, NY, Tax Map # 162.05-2-34, in accordance with the attached Short EAF. Councilmember Weingartner seconded.

82:23  
Adopt EAF  
Sewer/Access  
Easement  
741 Upper  
Court

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

MOTION CARRIED.

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83:23  
Adopt  
Permanent  
Sewer/Access  
Easement  
741 Upper Court

Councilmember Weingartner moved to adopt resolution to Acquire A Permanent Sewer and Access Easement and Right-of-Way regarding 741 Upper Court Street in the Town of Kirkwood, NY, Tax Map # 162.05-2-34, in accordance with the attached resolution. Councilmember Diffendorf seconded.

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

MOTION CARRIED.

84:23  
Amend  
Smoking  
Policy

Councilmember Diffendorf moved to adopt resolution Amending the Smoking Policy, in accordance with the attached policy. Councilmember Wasson seconded.

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

MOTION CARRIED.

85:23  
Pave  
Krager Rd &  
Pine Camp  
Drive

Councilmember Wasson moved to adopt resolution authorizing the paving of Krager Road at a cost not to exceed \$90,000 and Pine Camp Drive at a cost not to exceed \$45,000. Councilmember Legg seconded.

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

MOTION CARRIED.

86:23  
Purchase  
Enclosed  
Trailer  
W&S

Councilmember Legg moved to adopt resolution authorizing the purchase of a 7x14 2022 Haulmark enclosed trailer from Ashley Enterprises, LLC, at a cost not to exceed \$6,806.00, in accordance with the attached quote. Councilmember Weingartner seconded. **Discussion.** Councilmember Diffendorf questioned if this trailer was necessary and felt unsure if the department was capable of doing the work during a water break. John Finch claimed his employees are qualified and guaranteed they would be doing the work. Councilmember Diffendorf agreed to the trailer as long as sub-contractors are not being used for jobs that can be easily handled by Town employees.

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

MOTION CARRIED.

87:23  
Education  
A.Glover  
M.Loftus  
W&S

Councilmember Weingartner moved to adopt resolution authorizing Alan Glover and Matt Loftus to attend the Southeastern New York Water Works Conference on July 8, 2023 at the Sidney American Legion, Sidney, NY, at a cost of \$50 per person. Councilmember Diffendorf seconded.

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

MOTION CARRIED.

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**AUDIT AND PAYMENT OF CLAIMS:**

Councilmember Diffendorf 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 #23000551 through #23000714 in the total amount of \$374,580.07, which includes prepaid claims as authorized by resolution adopted January 3, 2023. Councilmember Wasson seconded.

88:23  
Audit/Pay

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

MOTION CARRIED.

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 6:47 PM

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk