

**Minutes of the Regular Meeting of the Town Board of the Town of Kirkland, held at the Town of Kirkland Municipal Building, 3699 State Route 12-B, Clinton, Oneida County, New York on January 25, 2023, at 5:00 p.m.**

Present:

Supervisor Robert J. Meelan (By Zoom call)

Deputy Supervisor Garry F. Colarusso

Councilman Richard J. Maxam

Budget Director Anthony Arcuri

Absent:

Councilwoman Donna E. Yando

Councilwoman Melanie L. O'Neil

Deputy Supervisor Colarusso called the regular meeting to order at 5:00 p.m. and asked those present to stand for the Pledge of Allegiance.

Deputy Supervisor Colarusso opened the Public Hearing for Local Law No. 1-2023. The Public Hearing was left open. (A copy of the Notice of Public Hearing has been made a part of these minutes.)

COUNTY OF ONEIDA, STATE OF NEW YORK  
**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE THAT, in Accordance with Section 202-b of the New York State Town Law, the Town Board of the Town of Kirkland, Oneida County, New York (the "Town") will conduct a public hearing on January 25, 2023 at 5pm at the Town of Kirkland Municipal Building, located at 3699 State Route 12B, Clinton, New York in regard to proposed Local Law No. 1 of 2023 entitled "A Local Law to adopt pursuant to Real Property Tax Law 487(8) opting out of the exemption from taxation for certain energy systems."

The Public Hearing will be held to hear all persons interested in the opting out of the exemption from taxation for certain energy systems. A copy of the proposed Local Law is available for inspection in the Office of the Town Clerk, 100 N. Park Row, Clinton, NY

Dated: December 12, 2022  
By Order of the Town Board of  
The Town of Kirkland  
Oneida County, New York  
Donna B. Maxam, Town Clerk

Local Law #2 of 2023 was introduced:

A Local Law to amend the code of the Town of Kirkland, Chapter 118, Article VI thereof entitled, Antennas; Solar and Wind Energy Systems.

**RESOLUTION #5**

Upon motion by Councilman Colarusso, seconded by Councilman Maxam, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board set the Public hearing for Local Law #2 of 2023 for February 27, 2023.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

**RESOLUTION #6**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

RESOLVED, that the Town of Kirkland will Lease (2) 2023 Volvo VHD Chassis through the lowest bidder, Community Leasing Partners, Manhattan, Kansas, in the amount of \$640,000 for (5) years at 4.47% with the first payment due at delivery which is estimated to be April/May 2023.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

**RESOLUTION #7**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

Whereas, the Town of Kirkland has solicited bids from two Leasing Firms and;

Whereas, the Option to Lease (2) Volvo VHD Chassis is preferred to Serial Bonds and/or Bond Anticipation Notes based upon several factors including but not limited to the additional cost of interest and closing costs and;

Whereas, Community Leasing Partners is the low bid at an interest rate of 4.47%;

RESOLVED, that the Town Supervisor and or his representative is authorized to enter into an agreement with Community Leasing Partners for up to \$640,000 for five years.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

**RESOLUTION #8**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

Resolution: Establishment of  
Reserve Fund for Payment of Bonded Indebtedness  
GML Section 6-h  
Grant Road Bridge

RESOLVED, that pursuant to Section 6-h of the General Municipal Law, as amended, there is hereby established a Reserve for Bonded Indebtedness (Debt Reserve Grant Road Bridge) fund to be known as “Grant Road Bridge Debt Reserve” (hereinafter as Debt Reserve Fund). The purpose of this Reserve Fund is to account for funds that were received from FEMA in 2023, well after the completion of Grant Road Bridge in 2013. The debt for the Grant Road Bridge is part of the attached amortization schedule. There is (10) years remaining on the debt for the Grant Road Bridge.

The chief fiscal officer is directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Board and or the Chief Fiscal Officer may invest the monies in the Debt Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the Investment Policy of the Town. Any interest earned or capital gains realized on the monies so deposited or invested shall accrue to and become part of the Debt Reserve Fund. The Town Supervisor shall account for the Debt Reserve Fund in a manner which maintains the separate identity of the Debt Reserve Fund and shows the date and amount of each sum paid into the separate identity of the Debt Reserve Fund, interest earned by the Fund, capital gains or losses resulting from the sale of investments of the fund, showing cash balance and a schedule of investments, and shall, at the end of each Fiscal year, render to the Town Board a detailed report of the operation and condition of the Debt Reserve Fund.

Except as otherwise provided by law, expenditures from this Debt Reserve Fund shall be made only for the purpose for which the Fund is established. No expenditure shall be made from this Debt Reserve Fund

without the approval of the Town Board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

Kirkland Town Board will vote on the minutes of January 3, 2023 at the February 6<sup>th</sup> meeting

**RESOLUTION #9**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board approve the 2023 Kirkland Art Center Agreement.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

**RESOLUTION #10**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board approve the 2023 Clinton Youth Foundation (pool) Agreement.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

**RESOLUTION #11**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board approve the 2023 Felt Evans Retainer Agreement.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

**RESOLUTION #12**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board approve the appointment of Matthew Acee as Part Time Police Officer.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

Board members reviewed and signed the financial reports for the fiscal year 2022 submitted by Donna Maxam, Town Clerk; Patricia Maxam, Recreation Manager; Sarah McCullough, Receiver of Taxes; Town Justices, Paul Heintz and Jay Williams III. (Copies of the reports have been made a part of these minutes).

DISCUSSION of 2023 Capital Projects Plan

Town of Kirkland 2023 CAPITAL PROJECTS PLAN			
H5121.2	NORTON AVE BRIDGE CULVERTS	<u>\$ 847,170.83</u>	H2707 H3089 H5034
			O/C PLANNING GRANT SAM 7394 GRANT IFT NORTON CULVERTS
			<u>\$ 484,670.83</u> <u>\$ 260,000.00</u> <u>\$ 102,500.00</u> <u>\$ 847,170.83</u>
H7150.2	ARENA ROOF PROJECT	<u>\$ 47,673.39</u>	H599
			APPROP FUND BALANCE
		<u>\$ 47,673.39</u>	
H7151.2	ARENA FLOOR PROJECT	<u>\$ 1,250,000.00</u>	H5032 H3091 H2709 H5731
			IFT Arena Floor CFA GRANT PARKS/REC O/C Grant
			<u>\$ 350,000.00</u> <u>\$ 500,000.00</u> <u>\$ 400,000.00</u> <u>\$ 1,250,000.00</u>
H8020.4	PLANNING/ENGINEERING SHERMAN BROOK	<u>\$ 199,590.00</u>	H5035 H2708
			IFT SHERMAN BROOK (DA) O/C PLANNING GRANT
			<u>\$ 50,000.00</u> <u>\$ 149,590.00</u> <u>\$ 199,590.00</u>
H8121.4	ENGINEERING ST. MARYS	<u>\$ 78,982.71</u>	H2706
			O/C PLANNING GRANT APPROP FUND BALANCE
			<u>\$ 196,000.00</u> <u>\$ 4,000.00</u> <u>\$ 200,000.00</u>
			***
			\$50,000 FROM REC FUND \$300,000 FROM APPROP FUND B

**RESOLUTION #13**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

RESOLVED, that the Town of Kirkland New York applied for assistance from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) under the Title 9 of the Environmental Protection Act of 1993 for the purpose of funding the development of the Edward W. Stanley Arena;

RESOLVED, that the Town of Kirkland New York is authorized and directed to accept these grant funds in an amount not to exceed \$500,000 for the project described in the grant application;

RESOLVED, that the Town of Kirkland New York is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such development of said Arena;

RESOLVED, that the Town of Kirkland NY is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that effects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and

RESOLVED, that the governing body of the Town of Kirkland, New York delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individuals who hold the following elected or appointed municipal office and employment position titles: Town Supervisor and Town Deputy Supervisor.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

CORRESPONDENCE

A New St. resident addressed the Board reiterating his past concerns regarding the traffic on New St. and the safety of its residents, he feels someone is going to get hurt. Supervisor Meelan said that he has spoken with Attorney Hallak about this and that this is harder than it sounds, the Town and Village are both involved.



AUDIT BILLS

**RESOLUTION #14**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board review and approve the bills as audited: The totals were:

- A -** 76,619.90
- B -** 15,319.19
- DA -** 54,729.59
- DB -** 38,638.16
- SS1 -** 22,152.66
- SS2 -** 770.77
- SS4 -** 503.83
- Cap Fund H -** 19,327.23

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

**RESOLUTION #15**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

**RESOLVED**, that the Public Hearing for the proposed Local Law No. 1 of 2023 be closed at 05:24 p.m.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Absent
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Absent

There being no further business to come before the Town Board, upon motion by Councilman Maxam, seconded by Councilman Colarusso, the meeting was adjourned at 5:26 p.m.

Donna B. Maxam, Town Clerk