

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 5, 2023

A regular meeting of the Kirkwood Town Board was held on September 5, 2023 at 7:05 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: Done Prior to the Work Session

APPROVAL OF MINUTES: August 1, 2023 Town Board Meeting

PUBLIC PARTICIPATION:

(All public participation comments are in reference to the potential warehouse project at the Five Mile Point Racetrack site, unless otherwise stated)

Linda Glezen of Colpitts Drive had concerns about traffic continuing on Francis Street and Crescent Drive near the parks, along with the increased noise from truck traffic in her neighborhood, she felt some concerns were addressed while others weren't.

Lisa Batzel of William Street stated her concern was a concrete wall at the end of her street, she had suggested one building may be better for more green space, the concrete buildings are going to block her view of the mountains.

Sharon Bankhead of Langdon Park Drive is very concerned about the trucks using the road between the two parks on Francis Street, with no sidewalks, guardrails, or lights. She feels there should be a law that tractor trailers cannot use Crescent Drive and the Francis Street intersection. Her thoughts were the warehouses would corrupt the neighborhood with noise, traffic, and vibrations.

Leanna Allen of William Street has property that borders the racetrack property and Triumph Warehouse site, with no issues. She shared that a warehouse is better than the alternative, and Mr. Meinstein has tried to address many concerns. No traffic pattern is perfect in her mind. She suggested to research it further and move forward with the project.

Dan DiGennarro of Crescent Drive is mainly concerned about the Francis Street/Crescent Drive intersection and the turns the tractor trailers will need to make.

Andrew Harpell of Loughlin Road and property owner of the racetrack site noted he started this potential sale in November 2020. He will sell the property, as it is his right to do so, and is disappointed in the personal attacks that have taken place. He feels Mr. Meinstein has come through to address the concerns regarding the racetrack site, and has been good to the community with no complaints regarding his Triumph warehouse property. Andrew Harpell also noted Mr. Meinstein's willingness to put in a crosswalk between the parks on Francis Street, and that peak times for traffic are not on weekends when tournaments are happening at those parks. Lastly, he noted, Interstate 81 is very loud now and the buildings will likely buffer the noise to the neighbors near the site.

Stacey Duncan, Director of Broome County Industrial Development Agency, commented that Mr. Meinstein is someone we want to invest in our community, his facilities don't have vacant space. Also noting, sometimes traffic issues can open opportunities to improve road conditions with these bigger projects.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 5, 2023

Angela Tokos of Haskins Road commended the Board members for their time and effort to the community and noted her appreciation for the design change of the project. Angela Tokos brought several questions and thoughts to the Boards attention, such as, can we be sure it won't be reworked in the future, can the Town accept property from Mr. Meinstein as "green space" and then maintain it, once the property is rezoned it is permanent, having a second shift at the warehouses could double the truck traffic, accidents will increase at the intersections near the park, and lastly questioning if an alternate truck route is possible.

Bill Teegarden of Don Street is concerned about the neighborhood on the other side of the highway. He thanked Mr. Meinstein for addressing some of the concerns with the Francis Street traffic. The buildings being turned have helped the residents on William Street but not the residents on the other side of the highway. This is a large facility with heavy truck traffic. It's a relatively populated neighborhood, he feels the noise will be reflected into the neighborhood, there will be no trees to buffer the noise or light pollution.

Scott Landers of Overlook Drive enjoys looking at the valley and seeing the trucks throughout the day, with minimal noise. He commented, the property is for sale, if you want it to sit there and be nothing then buy it, pay the taxes on it. Mr. Meinstein is going to pay taxes, create jobs, and help the economy. On a separate note, Scott Landers noted that being on Crescent Drive and turning on to Route 11 is dangerous, the Town needs to get with the State to get that fixed.

COMMUNICATIONS: None.

COMMITTEE REPORTS:

LED light.

Councilmember Diffendorf reported the new LED light has been installed on Court Street.

All-Inclusive Playground.

Councilmember Legg reported the new all-inclusive handicap accessible playground started being built today, and will hopefully be ready to be used in two weeks.

DISCUSSION:

Councilmember Diffendorf questioned if there would be a public hearing before sending the petition for a zoning change to the Planning Board. Mr. McKertich explained if that happened there would still be another public hearing after the reports came back from the Planning Board and the County. Councilmember Diffendorf stated he hated to send it to the Planning Board since there are very few people in favor of this project and it is like we are spinning our wheels again. Councilmember Legg questioned if anyone thought there would be different input, thinking the same people would come, saying the same thing they said at the first public hearing. Councilmember Diffendorf believes if they all come to the next public hearing, they would all be against it.

OLD BUSINESS:

Councilmember Weingartner moved to adopt resolution, pursuant to Zoning Code Section 1411.B, to entertain the petition for a zoning change by Five Mile Point Warehouse Investors, LLC to rezone Tax Map #162.15-2-11 and a portion of Tax Map #162.16-1-18 from Business 1 and PUD to the Industrial Development District, and Tax Map #162.15-2-12 from Multi Residential District to the Industrial Development District, and to refer said application to the Planning Board for a report and recommendation. Councilmember Legg seconded.

Discussion. Councilmember Weingartner discussed his perspective growing up on S. Sunset Drive when the warehouse was built on Grossett Drive. There were no noise issues, the view didn't change the way he grew up, and the traffic wasn't a major concern. The road is a public thoroughfare, which is a State issue not a Town issue, Mr. Meinstein is not looking for a PILOT (Payment In Lieu Of Taxes), he will pay his taxes, and the jobs that will be created will be good for the Town. Councilmember Weingartner implored the members of the Board to pass the resolution on to the Planning Board for their recommendation. Mr. Meinstein confirmed that he was not looking for a PILOT.

111:23
Refer to
Planning Board
on Rezone of
Racetrack Site

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 5, 2023

Councilmember Wasson commented that her perspective of living near the project makes this hard all the way around.

Councilmember Legg had prepared a few thoughts to share before her vote on the resolution, and was sure to point out that Triumph/Adam Meinstein has been a good community neighbor and member. Also noting that she knows and respects Andy Harpell, he is also a good community member, that gives to the community, and it is very much appreciated. Councilmember Legg continued by stating that she is very much interested in bringing new business into Kirkwood, if it is proposed in the best location. Councilmember Legg reiterated that this vote is not about the project, it's about changing the zoning, and what is best for the community. Her biggest concern is the potential future use of the property, once it is changed to Industrial use it opens it up to a lot of different uses. She feels that today, this is not the best location for an industrial development zone.

Roll Call Vote: Councilmember Diffendorf - no
 Councilmember Wasson - yes
 Councilmember Legg - no
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Discussion. Supervisor Grubham explained his vote saying he has lived in Kirkwood longer than anyone at the meeting and a lot of the problems started here when Route 81 went through. It divided neighborhoods and changed everything, with areas not being completely residential anymore. Supervisor Grubham believes there are ways to alleviate all the concerns the residents have raised, and we at least should give it a try. Right now, this does not mean the job is going to happen. It still has to go through the Planning Board and the County 239 review.

Councilmember Diffendorf moved to adopt resolution awarding the Sealed Bid for the Court Street Sewer Rehabilitation Project to Vacri Construction, being the lowest responsible bidder at \$137,000. Councilmember Wasson seconded.

112:23
Award Bid
Vacri Construct
Upper Court St
Sewer Project

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 scheduling a Grievance Day Hearing on the 2024 Unit Assessment for September 26, 2023 at 6 PM. Councilmember Legg seconded.

113:23
Schedule PH
Grievance Day
2024 Unit
Assessments

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 scheduling a Public Hearing for September 26, 2023 at 6:05 PM regarding Local Law No. 4-2023 entitled "A Local Law Amending the Zoning Code Regarding Solar Energy Systems.". Councilmember Weingartner seconded.

114:23
Schedule PH
LL#4
Amending Solar
Systems

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 5, 2023

115:23
SEQRA and
Town Board
Lead Agency
LL#4

Councilmember Weingartner moved to adopt resolution of Initial SEQRA Classification and Intentions to Declare Lead Agency Status for Local Law No. 4-2023 entitled “A Local Law Amending the Zoning Code Regarding Solar Energy Systems”, 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.

116:23
LL#4 Amend
Solar Systems
to Planning
Board and
County 239

Councilmember Diffendorf moved to adopt resolution referring Local Law No. 4-2023 entitled “A Local Law Amending the Zoning Code Regarding Solar Energy Systems” to the Kirkwood Planning Board and the County Planning Department under GML 239-m for a report and recommendation. Councilmember Wasson seconded.

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

MOTION CARRIED.

117:23
Sell Truck #33
Town of Andes

Councilmember Wasson moved to adopt resolution authorizing the sale of Truck #33, a 2017 Ford F-550 with head plow, wing, and sander to the Town of Andes for \$60,000, in accordance with the attached commitment letter. Councilmember Legg seconded.

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

MOTION CARRIED.

118:23
Purchase New
2022 Ford
F-550
Truck #33

Councilmember Legg moved to adopt resolution authorizing the purchase of a 2022 Ford F-550 Cab & Chassis from Ferrario Ford in Elmira, NY, being a sole source supplier, at a cost not to exceed \$62,876, in accordance with the attached quote. Councilmember Weingartner seconded.

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

MOTION CARRIED.

119:23
Purchase Dump
Box and Jagg
Wing
DPW

Councilmember Weingartner moved to adopt resolution authorizing the purchase and installation of the Dump Box and Jagg Wing from Binghamton Truck Body in Kirkwood, NY, at a cost not to exceed \$24,895, in accordance with the attached quote.

Councilmember Diffendorf seconded.

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

MOTION CARRIED.

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

September 5, 2023

Councilmember Diffendorf moved to adopt resolution authorizing the purchase and installation of the Western Head Plow and Sander from Trux Outfitters in Kirkwood, NY, at a cost not to exceed \$13,854.61, in accordance with the attached quote. Councilmember Wasson seconded.

120:23
Purchase Head
Plow and
Sander
DPW

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 authorizing the purchase of a Steelcaster Sander from Trux Outfitter in Kirkwood, NY, at a cost not to exceed \$6,286.85, in accordance with the attached quote. Councilmember Legg seconded.

121:23
Purchase
Sander
DPW

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

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

Councilmember 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 #23001001 through #23001152 in the total amount of \$618,646.28, which includes prepaid claims as authorized by resolution adopted January 3, 2023. Councilmember Weingartner seconded.

122:23
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 8:15 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk