

**TOWN OF KIRKWOOD  
TOWN BOARD MEETING**

**December 6, 2022**

A regular meeting of the Kirkwood Town Board was held on December 6, 2022 at 6 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

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

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

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** November 1, 2022 Town Board Meeting and (2) November 29, 2022 Public Hearings

**PUBLIC PARTICIPATION:**

Adam Meinstein, the President of Equilibrium Equities and Manager of Five Mile Point Warehouse Investors, LLC presented plans to the Board on what he would like to do to the Five Mile Point Speedway site. He also explained the benefits this project would have on the community, and also asked the Board to refer the application to the Planning Board for a rezoning recommendation of the land from B-1 and PUD districts to an Industrial Development district.

With the Speedway officially announcing its closing, Adam Meinstein has engineered a Flex Industrial Project of two buildings that will accommodate a series of industrial uses, from manufacturing to warehousing, and allow single and/or multi-tenant use.

Adam Meinstein showed the Board a drone video of similar projects that have been built in the last two years. Notable information regarding the properties shown included: road improvements to surrounding area with a new traffic light, appealing appearance, well landscaped, well designed, and traffic at 3 PM on the lower end of what was modeled. Also noting, there is a major lack of appropriate locations and available products for industrial use.

Stacey Duncan, Executive Director of The Agency Broome County IDA/LDC, addressed the Board reiterating there is a deficiency in available building sites and demands are not being met. The Kirkwood/Conklin corridor is a very desirable area for last mile distribution and manufacturing, and available buildings will fill quickly with tenants. Stacey Duncan encouraged the Board to look at this project favorably, there is a significant need for these buildings, and The Agency would love to work with the Town on getting these buildings on line.

Leo Jones from Cushman and Wakefield Pyramid Brokerage Company spoke to the Board echoing the same message that manufacturing space in Broome County is in high demand but not available. Which in turn means Broome County is losing tax dollars and jobs. Leo Jones explained that calls are constantly coming in looking for warehouse space, therefore he is very excited about this project.

Adam Meinstein handed out a copy of an email from Rick Searles explaining that his company, CBRE, is interested in warehouse space at the Speedway project. Although, this is still a discussion it is an indication of how fast these buildings could be filled with tenants.

Also noted, Adam Meinstein explained this is a big opportunity for the community and the region. Being a good neighbor is a priority, this is not an incinerator, landfill, or chemical

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project. Also, resurfacing Frances Street from top to bottom has been agreed on, and open to hear other things as well.

After hearing questions from the Board, Adam Meinstein replied to each with the following: there are 2 driveways into the project so each building can act independently if needed, using Grosset Drive as an entrance/exit is not an option due to many different obstacles, a front door option is best to market the site, tractor trailer back up alarms should not be distracting or even heard and could possibly be overshadowed by Interstate 81, bright lighting should not be an issue as lights will have shields that face down, the wetland below the first warehouse is unclassified, this will be a stabilized site with stormwater and landscaping handled, and the amount of cars going in and out is unknown but it generally is projected higher than the actual amount.

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

**Dog Control Report.**

Councilwoman Legg reported numbers from the October and November Dog Control Reports. Copies are filed in the Town Clerk's office.

**Youth Program.**

Councilwoman Legg reported that the Youth Program coordinated the Christmas Party for Hometown Christmas and there was a very good turnout.

**Senior Lunch.**

Councilwoman Legg noted the senior lunch will be held tomorrow at the Elk's Club and it is the last event of the year.

**Meters Installed.**

John Finch reported that 472 out of 1,000 meters have been installed to date.

**Hometown Christmas Parade.**

Supervisor Grubham thanked Councilwoman Legg and Councilwoman Wasson for coordinating the Christmas parade, they did a great job.

**Drainage at Highway Garage.**

Supervisor Grubham reported the drainage project at the Highway Garage to help prevent flooding is finished.

**OLD BUSINESS:**

Councilman Diffendorf moved to adopt resolution, pursuant to Zoning Code Section 1411.B, to entertain the petition for a zoning change filed by Five Mile Point Warehouse Investors, LLC to rezone Tax Map No. 162.152-11 and a portion of Tax Map No. 162.16-1-18 (west of Route 81) from B-1 and PUD districts to the Industrial Development District, and to refer said application to the Planning Board for a report and recommendation. Councilwoman Wasson seconded.

**Discussion.** Mr. McKertich explained the process of a zoning change. Since the property is not zoned for the proposed use, the applicant requests a legislative act by the Board to change the zoning. If the Board entertains the request they will refer it to the Planning Board for a report and recommendation. It then will go back to the Board, which will schedule a public hearing. After the public hearing the Board will make a final determination on whether or not to rezone the property. Also connected to that will be SEQR which the Board will review, along with the 239 response from the County. If the rezoning is approved by the Board, the proposed project will go to the Planning Board for a site plan review on the newly rezoned property.

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

**MOTION CARRIED.**

144:22  
Zoning Change  
Race Track Site  
B-1/PUD to  
Industrial Dev.

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Councilwoman Wasson moved to adopt resolution, after a Public Hearing, adopting the 2023 Budget for the Sewer and Water Districts. Councilwoman Legg seconded.

145:22  
Adopt 2023  
Sewer and  
Water Districts  
Budget

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution, after a Public Hearing, authorizing the Supervisor to execute the Fire Protection Contracts for 2023 in accordance with the attached agreements. Councilman Weingartner seconded.

146:22  
Fire Protection  
Agreements  
2023

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

MOTION CARRIED.

**Discussion on Procurement Policy.** The resolution to amend the Town of Kirkwood Procurement Policy was held over until the suggested changes can be updated.

Councilman Weingartner moved to adopt resolution authorizing the Supervisor to enter into a Legal Services Agreement with Coughlin & Gerhart, LLP, in accordance with the attached agreement. Councilman Diffendorf seconded.

147:22  
Agreement  
Legal Services  
Coughlin &  
Gerhart

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

MOTION CARRIED.

Councilman Diffendorf moved to adopt resolution authorizing the Supervisor to sign the Memorandum of Understanding with Teamsters Local 317 regarding an additional \$.75 per hour for 2023, in accordance with the attached MOU. Councilwoman Wasson seconded.

148:22  
MOU with  
Teamsters 317  
2023 increase

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

MOTION CARRIED.

Councilwoman Wasson moved to adopt resolution scheduling a Public Hearing for December 27, 2022 at 6 PM regarding the proposed Local Law Affecting a Temporary Moratorium Within the Town of Kirkwood on Battery Energy Storage Systems. Councilwoman Legg seconded.

149:22  
Schedule PH  
Battery Energy  
Systems Temp  
Moratorium

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

MOTION CARRIED.

Councilwoman Legg moved to adopt resolution authorizing the Highway Superintendent to enter into an agreement with the Town Board regarding Expenditure of Highway Moneys, in accordance with the attached agreement. Councilman Weingartner seconded.

150:22  
Expenditure of  
Highway  
Moneys  
Agreement

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

MOTION CARRIED.

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151:22  
Purchase 2023  
Ford F-250 XL  
Truck and Plow  
Truck #24

Councilman Weingartner moved to adopt resolution authorizing the purchase of a 2023 Ford F-250 XL regular cab from Van Bortel Ford, at a cost not to exceed \$45,978.46 and a Western Truckside and Western Plow Receivers from Trux Outfitter, at a cost not to exceed \$3,050.92, in accordance with the attached quotes. Councilman Diffendorf seconded.

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

MOTION CARRIED.

152:22  
Purchase 2019  
Ford F-550 XL  
Dump Truck  
Truck #25

Councilman Diffendorf moved to adopt resolution authorizing the purchase of a 2019 Ford F-550 XL super duty live bottom dump truck and plows from Auctions International, at a cost not to exceed \$84,600, in accordance with the attached invoice. Councilwoman Wasson seconded.

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

MOTION CARRIED.

153:22  
2017 Ford F-550  
Dump Truck  
Surplus and Sale  
Truck #26

Councilwoman Wasson moved to adopt resolution declaring surplus the 2017 Ford F550 dump truck, Vin #1FDUF5HT4HEE08720, and selling to the Town of Andes for \$55,000, including the head plow, jag wing, and sander, in accordance with the attached invoice. Councilwoman Legg seconded.

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

MOTION CARRIED.

154:22  
Purchase 2022  
Ford F-550  
Dump Truck  
Truck #26

Councilwoman Legg moved to adopt resolution authorizing the purchase of a 2022 Ford F550 super cab from Ferrario Ford, at a cost not to exceed \$64,501, a super duty steel dump body from Powell's Sales and Service, Inc., at a cost not to exceed \$34,015.29, and a salt spreader from Trux Outfitter, at a cost not to exceed \$6,286.85, in accordance with the attached resolution and invoices. Councilman Weingartner seconded.

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

MOTION CARRIED.

155:22  
Purchase  
Radiator  
Truck #32

Councilman Weingartner moved to adopt resolution authorizing the purchase of a radiator for Truck #32, from Allegiance Trucks Binghamton, at a cost not to exceed \$2,172.35, in accordance with the attached invoice. Councilman Diffendorf seconded.

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

MOTION CARRIED.

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Councilman Diffendorf moved to adopt resolution scheduling a Public Hearing for December 27, 2022 at 6:05 PM regarding A Local Law Amending the Sewer Rents. Councilwoman Wasson seconded.

156:22  
Schedule PH  
Amending  
Sewer Rents

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

MOTION CARRIED.

Councilwoman Wasson moved to adopt resolution authorizing the Transfer of Funds, in accordance with the attached Budget Adjustment Sheet. Councilwoman Legg seconded.

157:22  
Transfer of  
Funds

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

MOTION CARRIED.

**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 #22001410 through #22001578 in the total amount of \$469,134.23, which includes prepaid claims as authorized by resolution adopted January 4, 2022.

158:22  
Audit/Pay

Councilman Weingartner seconded.

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

MOTION CARRIED.

**ADJOURNMENT:**

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

MOTION CARRIED.

Meeting adjourned at 7:04 PM

Respectfully submitted,

Kelley M. Diffendorf  
Town Clerk