

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 5, 2023**

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  
Jim Smith, Budget Officer

**Pledge of Allegiance.**

**1. Presentation by Adam Meinstein.**

Adam Meinstein of Five Mile Point Warehouse Investors, LLC handed out copies of a new diagram he created for the development of the Five Mile Point Racetrack Site with the exit/entry point going through Grossett Drive. He gave a long presentation to the Board along with many residents discussing the changes he has made to accommodate some of the resident's concerns about warehouses in the neighborhood. The main topics the presentation included were: building two warehouses but essentially flip flopping them from the original design eliminating the historic front door of the racetrack with truck activities facing the highway, acquiring additional land, acquiring a right of way that allows the use of Grossett Drive as the only exit and entry to the warehouse site, creating a deed restriction or property easement on Francis Street to never use it as an access street, adding additional landscaping as a buffer between the residents properties and the warehouses, and a willingness to add a crosswalk to Francis Street between the two parks. Mr. Meinstein also suggested the concrete buildings could drown out the sounds from the highway to the neighborhood. Each building will have night friendly lighting, with all lights facing downward. He also reminded everyone that these are large pieces of properties with a lot of green space. Mr. Meinstein also noted that traffic patterns and studies are being reanalyzed under warehousing and light industrial categories

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 5, 2023**

and some road changes may need to be addressed, which will need to be reviewed by New York State and the Town Engineer. Mr. Meinstein explained the approximate number of trucks traveling the roads for the light industrial category is 60 per day, and 136 per day for the warehousing category. Mr. Meinstein reported this to be a \$50 million project, creating hundreds of jobs, and anticipating being about 10% of the tax base in Kirkwood.

- 2. Discussion – Request for Change in Zoning – Five Mile Point Warehouse Investors, LLC 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. (LCG)**

Councilmember Legg addressed several concerns with Mr. Meinstein regarding the project, such as, questioning the right of way to and from the property if the property was sold, asking if the land would be cleaned up properly if it was determined to be contaminated in anyway throughout the years from the race car's oil and gas deposits, reiterating her concern regarding the extra number of trucks going through Francis Street between the two parks, and questioning the possibility of the buildings becoming vacant in the future. After reiterating many of his previous comments, Mr. Meinstein was confident all concerns would be handled properly, or in some cases, the concerns would not be as problematic as some think.

- 3. Discussion – Resolution authorizing the Supervisor to enter into an agreement with Edmunds GovTech regarding Cloud Hosting Services for the finance and utility software programs at a cost not to exceed \$4,800 for the first year, in accordance with the attached agreement. (LCG)**

Jim Smith explained the primary motivation for the upgrade is automatic software updates, which would be more efficient for the finance and utility departments. After further research, it's believed there's better security when using the cloud on these types of applications. Councilmember Diffendorf requested a total cost for Edmunds GovTech with the current service plus the

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 5, 2023**

new cloud service. Jim Smith will provide the information and reminded the Board that the cost would be divided amongst the departments using the service. **HELD OVER.**

- 4. Discussion – Resolution awarding the Sealed Bid for the Court Street Sewer Rehabilitation Project to Vacri Construction, being the lowest responsible bidder at \$137,000. (LCG)**

This will be paid with the ARPA stimulus money from the Federal Government.

- 5. Resolution scheduling a Grievance Day Hearing on the 2024 Unit Assessments for September 26, 2023 at 6 PM. (LCG)**

- 6. Committee Reports – Solar Law. (LCG)**

Supervisor Grubham reported a committee was put together to reassess the solar law and a packet was given to the Board members with the changes. Mr. McKertich briefly explained the recommended changes, the first being to eliminate commercial solar in the Residence (R)/Residence-1 (R-1) zoning districts, therefore only being allowed in the Industrial (I-D) and Rural Agricultural (A/R-R) districts. The second recommendation is to clarify that battery energy storage systems would not be allowed as part of a commercial solar energy project. If the Board is interested in moving forward with the changes the following three resolutions (#7 - #9) need to be passed.

- 7. Discussion – 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.” (LCG)**

- 8. Discussion – 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.” (LCG)**

- 9. Discussion – 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. (LCG)**

**TOWN OF KIRKWOOD  
WORK SESSION**

**September 5, 2023**

**10. Discussion – 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. (JAF)**

**11. Discussion – 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. (JAF)**

John Finch explained the total cost of this new truck along with the installation of the dump box, jagg wing, plow and sander (Reso. 12-13) would be \$101,625.61, but after selling Truck #33 (Reso. 10) the final cost of the new truck would be \$41,625.61 and this money would come out of the equipment budget line.

**12. Discussion – 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. (JAF)**

**13. Discussion – 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. (JAF)**

**14. Discussion – 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. (JAF)**

John Finch asked the Board permission to purchase this sander as a backup, after a sander was destroyed last year with no backup on hand. This is the same model as our current sanders and will fit on a new F-550 if purchased next year.

**15. Audit of Claims.**