

**TOWN OF KIRKWOOD
WORK SESSION**

January 30, 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
John Mastronardi, Town Engineer
Karen Ferguson, Historian

1. Presentation by Adam Meinstein, Five Mile Point Warehouse Investors, LLC.

Adam Meinstein, manager of Five Mile Point Warehouse Investors, LLC, announced his company is now the owner of the former Five Mile Point Speedway property. He thanked the Board for the opportunity to present a drastically redesigned plan of the original warehouse project after speaking with the community and stake holders. Also noted, the Town of Kirkwood Planning Board and Broome County Planning Department approved the new plan with minor stipulations. Mr. Meinstein formally requested a rezone of three parcels to Industrial Development and referred to maps and drawings that were displayed during the meeting. In summary, some of the significant changes from the original warehouse project plan are: the front door on Francis Street has been eliminated as well as all Francis Street access, Grosset Drive will be the only exit/entry driveway off Route 11, the end of William Street will have a turnaround or cul-de-sac, both buildings have been flip flopped 180 degrees now facing Interstate 81, buffering and setbacks have increased substantially, all water and sewer issues will be addressed, and the contribution of the crosswalk on Francis Street between the two sections of Valley Park still stands.

Keith Barney of Keystone Associates discussed the lighting and photometrics of the proposed project. All light fixtures will be LED and fully shaded, with a “dark

TOWN OF KIRKWOOD WORK SESSION

January 30, 2023

sky” theme to minimize glare. Mr. Barney confirmed that all lighting will be shining down and referred to drawings that showed little to no light spillage from the lights that will be used at the project site.

Will Thornton of Thornton Acoustics and Vibrations evaluated the sound impact of the proposed project. After the Town’s local sound ordinance was reviewed and an ambient sound study was conducted, it was determined the residents are already experiencing very high noise levels throughout the day, primarily from Interstate 81. The final portion of the study was to model and predict the sound impact of the warehouses, it was determined the truck noise will not exceed the current noise ordinance or the existing ambient noise. The buildings will act as a noise barrier to residents living to the west of the project site.

Gordon Stansbury of GTS Consulting discussed the traffic study with the revised access through Grosset Drive. In March, traffic counts were collected on Grosset Drive, if the proposed project is used for general warehousing the trip numbers would be higher than the existing Triumph traffic but still be significantly lower than the previous study. Mr. Stansbury is confident traffic traveling south will use Exit 1 off Route 11 to reach Interstate 81, which will lower the traffic numbers at the Francis Street/Crescent Drive intersection. Also noted were minor impacts at the Crescent Drive/Route 11 intersection, with a drop in level of service grade from B to C. If the proposed project is used for light industrial the study indicated more car traffic and less truck traffic since these situations are more employee based. The northbound Crescent Drive/Francis Street intersection level of service could drop from a B to C.

With the potential increase in traffic, several points of concern were discussed about road changes, such as: traffic traveling southbound on Crescent Drive at Route 11, potential delays turning left in the morning. Mr. Stansbury recommended monitoring for potential signalization. NYSDOT would rather remove one of the northbound lanes on Route 11, then Crescent Drive could be moved out towards Route 11 a little more and improve site lines coming out of Crescent Drive. NYSDOT has requested that a Southbound left-hand turn lane on Route 11 at the Grosset Drive intersection be looked at as well. Supervisor Grubham pointed out that trucks leaving Grosset Drive and going north on

**TOWN OF KIRKWOOD
WORK SESSION**

January 30, 2023

Route 11 do not have enough room and have to use the southbound lane to get out of that intersection. It's a tight fit through that section and both sides need to be widened. Mr. Meinstein and associates are going to complete some background work and see what they can come up with.

Supervisor Grubham expressed his concern over not having the NYSDOT report yet on this proposed project, if it's not received in a timely manner than things will not be moving forward as anticipated.

Supervisor Grubham also mentioned the crosswalk between the two sections of Valley Park and questioned what plan had been submitted to the State for that since it is a State road. Also noted were guardrails that would need to be moved so pedestrians could get to the crosswalk. Mr. Meinstein asked for all concerns to be noted and he would be sure to communicate those issues clearly to the State.

Mr. McKertich requested NYSDOT approved plans for the road upgrades that can be relied on when voting on this project.

With extra tractor trailers possibly running on Route 11 south with this proposed project, Councilmember Diffendorf expressed his concerns regarding the shape of that roadway. The road needs to be maintained better by the State because it has no shoulder, it is very narrow, it is filled with potholes, and is just a rough ride.

2. Discussion – Resolution scheduling a Public Hearing for February 22, 2024 at 6 PM at Floyd Bell Elementary School on the rezoning request from Five Mile Point Warehouse Investors, LLC. (LCG)

Supervisor Grubham reminded Mr. Meinstein that the Town can't proceed with the public hearing if all the required information is not available right along.

**TOWN OF KIRKWOOD
WORK SESSION**

January 30, 2023

- 3. Discussion – Resolution, on recommendation and approval of the Code Enforcement Officer, pursuant to section 304.3 of the Mobile Home – Trailer Ordinance, authorizing the Town Clerk to issue license for the following mobile home-trailer park, such license will be for the year 2024:**

**Kirkwood Mobile Home Court, LLC,
41 Loughlin Road, Binghamton, NY 13904
Owner: James and Charles Williamson**

- 4. Discussion – Resolution accepting the Recertification of the Record of Activities for Karen Ferguson, Town Historian, for the year 2024, in accordance with the attached Recertification. (LCG)**

- 5. Discussion – Resolution amending the Reimbursement Policy for Work Clothing for Department of Public Work Employees and Building and Code Inspector, in accordance with the attached policy. (LCG)**

Supervisor Grubham reported this is regarding the Code Enforcement Officer to get \$300 per year for clothing and/or boots. It has not been in the policy book but has been given to him in the past. Councilmember Diffendorf voiced his disagreement with this amendment. He stated that the CEO was reimbursed once but it was a mistake. The highway department is working with blacktop and under machines, Councilmember Diffendorf doesn't understand why the Town needs to supply the CEO with a clothing allowance. Councilmember Weingartner felt it was a deserved allowance, as he inspects buildings that may muck up his boots, and he should wear clothes that identify him as the CEO. It was also mentioned that he already has shirts and jackets with CEO logos on them and questioned if he needs to purchase such items each year. Councilmember Legg felt steel toed boots were worthy of the allowance if he is going into places that would require such footwear.

John Finch questioned the new information given in the attachment regarding how many shirts the Department of Public Works employees are allowed. Supervisor Grubham will look into it. **HELD OVER.**

**TOWN OF KIRKWOOD
WORK SESSION**

January 30, 2023

6. Discussion – Resolution amending the Rules and Regulations Governing Attendance and Benefits for Town of Kirkwood Employees regarding the reimbursement policy for work clothing for the Building and Code Inspector, in accordance with the attached Rules and Regulations. (LCG)
HELD OVER.

7. Discussion – Resolution amending the Policy for Advertising Position of Employment with the Town of Kirkwood regarding eliminating the Country Courier, in accordance with the attached policy. (LCG)

8. Discussion – Resolution hiring Michael Wolyniak to review the financial records and reports of the town Supervisor’s office, the Town’s Justice Court, the Town Clerk’s office and the water/sewer rents operations for 2023, at a cost not to exceed \$3600.00, in accordance with the attached letter. (LCG)

Supervisor Grubham explained that Mr. Wolyniak would be taking over the audit for the Town Court which normally cost \$5,000 each year, but in addition to that audit he will review the financial records of the other offices listed and only charge a total of \$3,600. Mr. Wolyniak is retired from the New York State Comptroller’s Office so he is very well qualified.

9. Discussion – Resolution appointing Jason Maxian as Member Planning Board, for a term to expire December 31, 2026, to fill the unexpired term of Kevin Balachick. (LCG)

10. Discussion – Resolution accepting the Recertification of the Record of Activities for William J. Diffendorf, Jr., Safety Officer, for the year 2024, in accordance with the attached Recertification. (LCG)

11. Discussion – Resolution authorizing Chad Moran to attend the Southern Tier Home Builders & Remodelers Association training in Sidney, NY on February 14, 2024 at a cost not to exceed \$35.00. (LCG)

**TOWN OF KIRKWOOD
WORK SESSION**

January 30, 2023

12. Discussion – Resolution hiring Karen Ferguson as Clerk PT, temporarily to cover in the Building & Code Department from January 23, 2024 to February 28, 2024 at a rate of pay of \$15.00 per hour, 9 hours per week. (LCG)

13. Discussion – Resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Kirkwood Fire Company, with the understanding that the members so approved will be assigned for which they have been qualified, in accordance with the attached roster. (LCG)

14. Discussion – Resolution authorizing the purchase of a 2024 Skid Steer Loader from Milton CAT, at a cost not to exceed \$46,431.00, in accordance with the attached quote. (JAF)

John Finch would like to sell the current 2007 skid steer and upgrade to a new 2024 Caterpillar Skid Steer. The 2007 will likely sell for \$16,000-\$19,000 and the remainder of the purchase price will come out of the machine equipment budget. After receiving three different quotes, John Finch would like to move forward with the Caterpillar Skid Steer, although slightly higher in price, he feels the quality, reliability, warranty, and resale value make up that difference.

15. Discussion – Resolution authorizing Charles Ritt to receive a \$1.25 per hour increase in pay, to \$21.75 per hour and \$600.00 in clothing allowance effective February 7, 2024, which is prior to the 6-month waiting period from his 10/30/23 hire date. (JAF)

John Finch has requested to waive the 6-month waiting period for Charles Ritt to receive his hourly pay increase and clothing allowance. After being employed for the past three months he has proven to be a hard worker, with a good personality, listens well, and just the perfect fit. All agreed.

The policy was questioned on whether it is a 3-month or 6-month waiting period on these pay increases. Supervisor Grubham stated he wants to have a set policy on this for each position.

16. Audit of Claims.