

01) Supervisor Frank called to order the **Organizational Meeting** of the Town Board of Herkimer held on Tuesday, January 2nd, 2024, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilman-----Vito Carbone
Councilwoman-----Kathleen DeCarlo
Highway Supt.-----Ken Ward
Codes Enforcer-----Ken Collis

Excused: Councilman-----Randy Kast
Attorney-----Christopher Bray
Deputy Attorney-----Kyle Crandall
Town Park Supervisor-----Kathi Nasypany

03) **Pledge of Allegiance to the Flag.**
Councilman Carbone led us in the Pledge of Allegiance to the Flag.

04) **Reading of the Minutes.**
Motion by Councilman Carbone, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous special meeting held on December 28th, 2023 as written.

CARRIED AYES ALL

05) **Public Meeting.**
Supervisor Frank stated he would like to start the meeting with wishing a Happy New Year to everyone. Supervisor Frank stated if anyone would like to address the board to please state you name, address, and tell us why you are here.
Sally Durkee of East German Street Extension stated she is here to ask if notice was given before the guardrails were put up near her home. She stated she doesn't understand why it is there and that it is blocking her view. She also stated the issues with the road will lower the resale value of her home and wonders what will be done for her. She understands appraisals were to be done on the other homes. Highway Supt. Ward stated the fence and guardrails were put up as a safety measure to protect against people or vehicles from going into the hole. It is within the right of way of the town. Miss Durkee asked if proper emergency services will be able to get in and out. Highway Supt. Ward replied stating yes, they will work the same as before and bring in tankers in the event of a fire. Supervisor Frank stated no notice was given for it was within the towns right-of-way and it is our duty to keep everyone safe. He stated the town has contracted for appraisals of each of the three house effected and have those residents on notice if the Town gets funding we will buy them out. He asked if the situation with her fence has been taken care of? Codes Enforcer Collis stated a post needs to be put in the ground, not just propped up by a board as it is now. Miss Durkee stated this is unjustifiable as she has already had a person fix it and that her neighbor is just being picky. Collis stated this doesn't look good and needs to be brought up to code. He stated part of the back is falling over towards her side and is in rough shape. It needs repairs to abide by our property maintenance laws. Supervisor Frank stated although there are neighborly issues this still needs to be taken care of and brought up to code. He stated he is sorry about the guardrail but this is a safety concern and we are doing the best we can with the issue with the road. We are looking for a solution and still applying for funding as the town does not have the funds for a solution right now. Miss Durkee asked if the road were to have further issues would it affect her property as well? Supervisor Frank replied stating we have a surveyor coming and still checking but there has not been any movement. Highway Supt. Ward stated it would slide at an angle away from her property so only the those last few houses would be effected.

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to close the public meeting.

CARRIED AYES ALL

06) **Petitions and Communications.**
Motion by Councilman Stalteri, seconded by Councilman Carbone, to accept and place on file all the petition and communication 6A through C listed below.

- A. A letter dated December 19, 2023 from the Oneida-Herkimer Solid Waste Authority Executive Director, William Rabbia, concerning the Adopted 2024 Budget.
 - B. A letter dated December 27, 2023 from Supervisor Frank to Herkimer County Chairman Vincent Bono in support of the Herkimer County's request for approval as a New York State Land Bank.
 - C. A letter dated December 29, 2023 from Supervisor Frank to Mr. Frank Tangora concerning the Town of Herkimer's Notice of Award and Agreement for the Town Park Improvements Project.
- Supervisor Frank stated we have supplied Central Paving with notice of award of the bid for the parks improvement project. An agreement was included and once it is signed we will need the bonding and then we can issue a notice to proceed.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on the Herkimer County Soil and Water Conservation District Newsletter for the Winter, 2024.

CARRIED AYES ALL

08) Resolutions.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept, place on file and approve the Budget Amendment recommended by Supervisor Frank.

Supervisor Frank stated there was a math error made with the budget making it off. We usually enter the budget into an Excel Spreadsheet but this year our budget officer put it directly into the accounting software and everything wasn't adding up correctly. This caused it to show an imbalance. So it showed a need of Twelve-thousand dollars that will be taken out of the fund balance.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to approve Resolution No. 1 of 2024 - Banking Resolution Authorizing Supervisor Frank and Deputy Supervisor Stateri to handle banking responsibilities in 2024, upon signature filing, with M&T Bank, Adirondack Bank and NBT Bank.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to approve Resolution No. 2 of 2024- Town of Herkimer Official Undertaking of Municipal Officers.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to approve Resolution No. 3 of 2024- Town of Herkimer Code of Ethics/Conflict of Interest form.

Supervisor Frank stated all elected and appointed officials need to fill out their conflict-of-interest forms and return them to Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to approve Resolution No. 4 of 2024- Town of Herkimer Civility Code.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stateri Resolution No. 5 of 2024- Fixed Salary Resolution - Town of Herkimer salaries/salary schedule.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve Resolution No. 6 of 2024- Mileage Resolution -Setting mileage reimbursement per IRS reimbursement standard.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve Resolution No. 7 of 2024- Meeting Resolution -Setting Town Board meeting schedule. The board discussed issues with having board meetings on Tuesday due to a holiday because Tuesdays there is Court being held at the same time. The board agreed to have regular board meeting on the first and third Monday of each month regardless of a holiday.

CARRIED AYES ALL

09) Old Business.

Water Districts: Nothing new to report.

Mckennan Road Enhancement Project: Nothing new to report.

West Herkimer Water: Nothing new to report.

East Herkimer Sewer District: Nothing new to report.

East German Street Extension Emergency Road Repair Project: Highway Supt. Ward stated the fence has been completed and the guard rails have been put in place.

Codes: Codes Enforcer Collis stated the paperwork has been out to the new owners of the Shells Bush Solar District and we should be getting it back soon.

Zoller Ave: Codes Enforcer Collis stated all permits have been approved and this property should be taken down soon.

Piper Road: Supervisor Frank stated we did receive the report and bill of services at our last meeting and once we have the canceled check, we can get reimbursed for about 75% of it.

Landbank: Codes Enforcer Collis stated the Landbank would like to extend their permit.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated we received our last property tax bill for the acquisition of the old school. This is our last tax bill that we will receive for this property.

ARRPA Funding (Exercise Trail): Supervisor Frank stated we are waiting to receive the signed contracts. He stated we will need to amend the 2024 budget to bring in the ARPA funds.

Updating Zoning Ordinance: Tabled.

Updating Zoning Map: Supervisor Frank stated that Codes Enforcer Collis, Planning Board Chairman Gawrecki, and himself will meet on Thursday with them to review the proposed map. We should have an updated map soon.

Negotiations with Teamsters: Supervisor Frank stated Deputy Attorney Crandall sent the contract to be signed today. Once the proper numbers are in place, Supervisor Frank will sign it.

Herkimer County Mitigation Plan: Supervisor Frank stated the consultant sent him the plan but it still didn't have the edits he requested. She will make the edits and get it back to him.

Signs entering Town: Nothing new to report.

Parking/Driveways on Town Roads: Highway Supt. Ward stated he has reviewed the policies and made edits he thought were necessary. Councilman Stalteri stated we should also make a point for those who make a mess on the road, should be responsible for cleaning it up. He also suggested something be put in regards to people leaving their garbage cans out by the road. They should be taken in and not left in the road. Highway Supt. Ward stated he will pass these suggestions on to Attorney Bray.

Charging Station for electronic cars: Supervisor Frank stated as far as he knows everything has been submitted.

Friends of Town of Herkimer/Not for Profit: Tabled.

Public Safety: Tabled.

Lien for work done to 936 Steuben Hill Road: Supervisor Frank stated we found that we are unable to put a lien on taxes the same way as done for delinquent water and sewer bills. Attorney Bray is supposed to be finding out what action can be taken.

Annual Policies to review: Supervisor Frank stated he would suggest that the board review these and then we can vote on them at our next meeting. The board agreed.

- Investment Policy.
- Purchase Order Policy.
- Depreciation & Fixed Assets Policy.

- Password Policy.
- Workplace Violence Policy.
- Town employee seminar/training reimbursement policy with board approval.

10) New Business.

Appointments for 2024:

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone upon recommendation of Supervisor Frank to appoint Councilman Daniel Stalteri as his Deputy Supervisor.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, upon the recommendation of the Herkimer Town Board, that Jodi Rivers be re-appointed as the Town of Herkimer Water Clerk for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, upon the recommendation of Water Clerk Jodi Rivers to re-appoint Debrah Wright and Jennifer DeMetro as the Town of Herkimer Deputy Water Clerks for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, upon the recommendation of Water Clerk Jodi Rivers to re-appoint Debrah Wright and Jennifer DeMetro as the Town of Herkimer Deputy Receivers of Taxes for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, upon the recommendation of Town Clerk Jennifer DeMetro to re-appoint Jodi Rivers as the Town of Herkimer Deputy Town Clerk for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, upon the recommendation of Town Clerk Jennifer DeMetro to re-appoint Jodi Rivers as the Town of Herkimer Deputy Registrar of Vital Statistics for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Kyle Crandall be appointed as the Deputy Town Attorney for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone upon recommendation of Supervisor Frank to re-appointing Amanda Viscomi as the Town of Herkimer Bookkeeper for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbon upon recommendation of Supervisor Frank to re-appointing Marcia Baylor as the Town of Herkimer Budget Officer for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Councilman Stalteri stated he has not heard anything in regards to a recent issue. Supervisor Frank suggests the appointment of Erica Dunton and if something changes we will address it the. The board agreed

Motion by Councilman Stalteri, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Erica Dunton be appointed as the Dog Control Officer for the Town and Village of Herkimer for a one-year term contingent on contract, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone, upon the recommendation of the Herkimer Town Board, that Gary Stukey be re-appointed as the Town of Herkimer Planning Board Member for a five-year term, 01/01/24 to 12/31/28.

CARRIED AYES ALL

Clerk DeMetro stated she is unsure if Richard Ward would want to be reappointed. Councilman Stalteri stated it is his understanding that he does not want to be reappointed. Supervisor Frank stated we will have to find someone to fill this spot. He recommends that the board table the appointment of a Town of Herkimer Zoning Board of Appeals Member for a five-year term, 01/01/24 to 12/31/28.

TABLED

Motion by Councilman Stalteri, seconded by Councilman Carbone, upon the recommendation of the Herkimer Town Board, that Jennifer DeMetro be re-appointed as the Town of Herkimer Fair Housing Officer for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Supervisor Frank recommended we table the appointment for the Town of Herkimer Town Computer Technician for a one-year term, 01/01/24 to 12/31/24.

TABLED

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that TimesTelegram be named as the Official Town Newspaper for the Town of Herkimer.

CARRIED AYES ALL

Town of Herkimer Fee Schedule: The board has agreed to table this for further review.

TABLED

11) Reports.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated January 2, 2024 for East German Street Ext.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Town Park Grand Opening Committee Meeting Minutes dated December 26, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Town Clerks Report for December, 2023 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the 2023 Annual Town Clerks Report from Clerk DeMetro.

CARRIED AYES ALL

11) Purchase orders and Audit.

There were no purchase orders for this meeting.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Audit dated January 2, 2024.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, January 15th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk