

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, February 5<sup>th</sup>, 2024, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

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

Excused: Deputy Attorney-----Kyle Crandall  
 Town Park Supervisor-----Kathi Nasypany

03) **Pledge of Allegiance to the Flag.**  
Councilman Stalteri 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 regular meeting held on January 15, 2024 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 he wanted to give a copy of the deed for the board review for the easement in question. She stated there were post put in the ground, that she has since taken down since they did not get permission to do so. Highway Superintendent Ward stated the post she is referring to were put in for the anchors of the poles. He stated the right of way is sixteen feet from the center of the road. She stated she doesn't want it on her property. Supervisor Frank explained that she does not have to allow the anchor lines on her property. They would need to obtain an easement from her to do so. She stated they offered a dollar for the easement. She will negotiate with them more to see if they can come to an agreement on the price. She asked which way the panels will be facing and if it will disturb her view. Supervisor Frank responded that he is unsure which way the panels will be facing but there will be trees planted to camouflage. Highway Superintendent Ward stated Codes Enforcer and himself will meet with Sally Durkee to measure the right of way with her so she can see where the towns right of way is. Supervisor Frank also agreed to meet with Miss. Durkee tomorrow at 11:00 AM here at the Town Office to further discuss this and show her the plans for the solar project. She thanked everyone for their time.

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

CARRIED AYES ALL

06) **Petitions and Communications.**

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo, to accept and place on file all the petition and communication 6A through R listed below.

- A. A certificate of liability insurance dated 12/29/2023 for AstroTurf Corporation effective 01/01/2024 through 01/01/2025.
  - B. A letter dated January 11, 2024 from NYSDOT Director, Matthew Haas, concerning the next quarterly SFY 2023-24 CHIPS, PAVE-NY, EWR and POP reimbursements are scheduled to be made on March 13, 2024.
- Supervisor Frank stated this gives us our year end numbers of where we are at with our CHIPS money. This does not include what NYS will allocate.

- C. A letter dated January 17, 2024 from Herkimer County Treasurer, Kimberlee Enea, concerning the Herkimer County Sales Tax apportionment summary for the 2023 fourth quarter based on the 2022 tax roll.
- D. A letter dated January 18, 2024 from Herkimer County Personnel Officer, Steven Billings, concerning the 2023 annual report of the former Herkimer County Self-Insured Workers' Compensation Plan.
- E. An email received January 19, 2024 from the MVEDD concerning Free Energy Code Enforcement Training.
- F. An email received January 19, 2024 from NSY Division of Building Standards and Codes concerning the Annual Report of Code Enforcement Activities for the Town of Herkimer. Supervisor Frank stated Codes Enforcer Collis will have to do a report. Collis will do so.
- G. A letter dated January 23, 2024 from Supervisor Frank to NYSDOT Commissioner, Marie Therese Dominguez, concerning the Shells Bush Road Bridge Rehabilitation Project. Supervisor Frank stated the culverts will be covered in full and bridges require a 5% local match.
- H. A letter dated January 24, 2024 from Supervisor Frank to highway employee, Michael Walz, concerning the probationary period per the agreement.
- I. A letter dated January 24, 2024 from Supervisor Frank to highway employee, Kenneth Miller, acknowledging his resignation effective January 27, 2024.
- J. A letter dated January 24, 2024 from Supervisor Frank to highway employee Matthew Edmunds, concerning the probationary period as a full time regular employee for the Highway Department.
- K. A letter dated January 24, 2024 from Supervisor Frank to highway employee, Vincent Gambacorta, concerning the probationary period as a full time regular employee for the Highway Department.
- L. A letter dated January 26, 2024 from Charter Communications Sr. Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.
- M. A letter dated January 30, 2024 from NYSDEC Division of Water, Region 6 Assistant Engineer, Dan Hayes, concerning the Plan and Specification Submittal of the East Herkimer Sewer District.
- Supervisor Frank stated the DEC reviewed the plans and made comments for the EHSD.
- N. A letter dated January 30, 2024 from Cordelio Power Project Manager Chet McLaughlin, concerning the Watkins Road Solar Project.
- Supervisor Frank stated the Watkins Road Solar project has taken so long that NYSERDA is redoing the finances of this project.
- O. A letter dated January 30, 2024 from Herkimer Central School District Superintendent of Schools, Kathleen Carney, concerning her support for the Herkimer Police Department and to advocate for their jurisdiction ok Pine Grove Road and Gros Boulevard.
- Supervisor Frank stated this is a letter relative to the jurisdiction up by the elementary school.
- P. A press release dated January 31, 2024 from the Herkimer County Legislature concerning the resignation of Legislator Vincent Bono.
- Q. A letter dated February 2, 2024 from Charter Communication Sr. Director of Government Affairs, Alex Camarda, concerning an upcoming change in service.
- R. A survey received from Laberge Group concerning grants available for 2024.

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Carbone, seconded by Councilman Stateri to accept and place on the both routed material of the Emergency Action Plan of Mirror Lake Dam and the Herkimer County Soil and Water Conservation District 2023 Annual Report.

CARRIED AYES ALL

**08) Resolutions.**

Motion by Councilman Stateri, seconded by Councilman Kast to accept, place on file and approve Resolution No. 9 of 2024- Adoption of the Herkimer county Hazard Mitigation Plan of 2023. Supervisor Frank stated he assures all that he has reviewed this to make sure it encompasses what we suggested.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded Councilman Carbone to accept, place on file and approve Resolution No. 10 of 2024- Introduction to Local Law No. 1 of 2024 for the Parking Ordinance. Attorney Bray stated this is very preliminary and allows us to set the public hearing for our next regular meeting at 6:05PM.

CARRIED AYES ALL

Motion by Councilman Kast, seconded Councilman Stalteri to accept, place on file and approve Resolution No. 11 of 2024- Introduction to Local Law No. 2 of 2024 for the Curb Cut Procedures and Standards Act.

Attorney Bray stated with this local law will require people to have an application and pay a fee in order to cut a curb. He stated this resolution is to set the public hearing for our next regular meeting at 6:10PM.

CARRIED AYES ALL

#### 09) Old Business.

Water Districts: Highway Supt. Ward stated there were three water leaks recently, one from the line in front of Brown and Randall, one at BOCES who he will send a bill for the work that was done to repair this, and one of Steuben Hill Road. He stated all have been addressed and repaired. He stated he read meters last week as well.

Mckennan Road Enhancement Project: Supervisor Frank stated the DOH was to have reviewed the plans by the end of January but have not done so yet. He stated this is the only thing holding us up for final plans.

West Herkimer Water: Nothing new to report.

East Herkimer Sewer District: Supervisor Frank stated we are waiting for a permit from the DEC. East German Street Extension Emergency Road Repair Project: Nothing new to report.

Codes: Codes Enforcer Collis stated he received two calls today. One from a guy that is interested in purchasing the old Ben Jones store on Main Road in East Herkimer and would like to open a sandwich shop and live above it but Collis informed him that this is not allowed in R-2. The second call was from a guy from New Jersey who is interested the property on Gros Boulevard across from the elementary school to store his personnel equipment. He also expressed his intent to have hydroponic growing there as well. Collis stated he is unsure if this is allowed within this zoning so he will be doing research on this.

Piper Road: Supervisor Frank stated we received FEMA money to do a study and we have received the report of the best way to fix it with the projected cost. We will get 75% of what we spent. At our last meeting we paid the bill so we will be submitting to get reimbursed for that bill. Our next step is to try to find money to do the mitigation.

Landbank: Supervisor Frank stated he has nothing new to report.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Highway Supt. Ward stated the guys cleaned the graffiti off of the fitness equipment but it would not come off the back so they had to use red paint to cover it. Attorney Bray stated he has and is giving the town clerk the abstract for the towns official record.

ARPA Funding (Exercise Trail): Supervisor Frank stated we have a committee working on the ribbon cutting and will meet again on Thursday, February 8<sup>th</sup> at 5:00 PM.

Updating Zoning Ordinance: Tabled.

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 we previously discussed this.

Signs entering Town: Tabled.

Charging Station for electronic cats: Supervisor Frank stated he had a zoom meeting with the construction crew who will install the charging stations. He stated they will bring the electricity from the old school to the charging stations. He also spoke to them about the paving that will be happening there as well and they have agreed to increase the strength and also put it 36" down to make sure it is not disturbed during the rest of the renovations and paving happening at the town park. Supervisor Frank stated Councilman Stalteri and himself will talk to those who designed the parking lot tomorrow to make sure this will suffice for them as well.

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

Public Safety: Supervisor Frank stated as previously discussed we received a letter from the school.

Lien for work done to 936 Steuben Hill Road: Attorney Bray stated he had a conversation with the County Attorney Lorraine Lewandrowski and we haven't come to a resolution on this yet since there is no procedures for this. Codes Enforcer Collis stated he spoke to the bank and they will be sending someone to board up with property.

Annual Policies to review: Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file and approve all of the Policies listed below.

- Investment Policy.
- Purchase Order Policy.
- Depreciation & Fixed Assets Policy.
- Password Policy.
- Workplace Violence Policy.
- Town employee seminar/training reimbursement policy with board approval.

CARRIED AYES ALL

**10) New Business.**

**Review of letter from School:** Supervisor Frank stated we should prepare a proposal for an inter-municipal agreement for the school so the Village of Herkimer Police will have jurisdiction for any property owned by the Herkimer Central School District outside of the Village, within the Town of Herkimer at no expense to the Town of Herkimer. This should be an annual contract that has a thirty-day right to terminate by either side. Councilman Kast stated we should reach out to the State Troopers and DA on this as well. They will still have jurisdiction here but we should keep them informed. Attorney Bray will do so. He will also draft something up for the board to review at our next meeting.

**Change Order for Town Park Enhancement:** Supervisor Frank stated after we made all the specs to go out for bid, we found out the fitness court requires a special spray surfacing. This is needed for the sealing agent, so this change order is to accommodate that. Supervisor Frank stated we will incorporate this into our overall spending scheme.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve the change order of \$3,305 from Central Paving for the Town Park Improvements.

CARRIED AYES ALL

**Appointments:**

Motion by Councilman Kast, seconded by Councilwoman DeCarlo, to appoint Kenneth Collis as the

Town of Herkimer Codes Enforcer for a two-year term, 01/01/24 to 12/31/25.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to re-appoint Brian Keeler as the

Town of Herkimer Computer Technician for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Councilwoman DeCarlo stated she received a complaint about Altrux on Route 28. She is wondering if the way they have so many vehicles and equipment on this property allowed. Codes Enforcer Collis stated most of this property is located within the Village and they haven't done anything about it.

Councilwoman DeCarlo stated another concern that was brought up to her was privacy for the Murphy's property located next to the town park. Supervisor Frank stated there will be a fence put up and greenery planted. He assured them that they wouldn't see it. Councilman Stalteri stated we made sure privacy was addressed when creating the plans.

**11) Reports.**

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Annual Financial Reporting-Extension Request Approved dated 1/11/2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the A2Z Environmental LLC Asbestos Project Monitoring Report dated 1/25/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Central Paving Construction Plan for the Town Park Improvements.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Town Park Committee Meeting Minutes dated January 15, 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Sales Tax Report dated 1/24/24. Supervisor Frank stated we are well on our way for what we projected.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Renewal State of Emergency Declaration dated January 27, 2024 for East German Street Ext. Supervisor Frank stated John Raymond has left his position as the 911 coordinator.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Emergency Orders for East German Street Extension dated January 17<sup>th</sup>, 22<sup>nd</sup>, 27<sup>th</sup> and February 2<sup>nd</sup> of 2024.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the Town Clerks Reports for January, 2024 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated February 5, 2024.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated February 5, 2024.

CARRIED AYES ALL

**11) Purchase orders and Audit.**  
Supervisor Frank stated there are no purchase orders for tonight.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated February 5, 2024. Councilman Stalteri recused himself from the Hummel's bill and Councilwoman DeCarlo recused herself from the voucher for Health Office Dr. Robert DeCarlo.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to go into executive session to discuss a personnel matter.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to adjourn from executive session and resume the regular meeting with no decisions made.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to appoint Felix Ray Jr. to the Zoning Board of Appeals to fill the vacancy for a five-year term.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilman Stalteri, seconded by Councilman Kast, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, February 19<sup>th</sup>, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk