

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, March 18, 2024, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

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

Excused: Councilman-----Randy Kast  
 Deputy Attorney-----Kyle Crandall  
 Town Park Supervisor-----Kathi Naszpany  
 Dog Control Officer-----Erica Dunton

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 Councilman Stalteri, to accept and place on file the minutes of the previous regular meeting held on March 4, 2024 as written.

CARRIED AYES ALL

05) **Public Meeting.**  
Supervisor Frank stated with no one here from the public in attendance, he would entertain a motion to close the public meeting.

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

CARRIED AYES ALL

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

- A. A letter dated January 9, 2024 from the NYSDEC Assistance Director, Mark DePaul Lowery, concerning the CFA Application for the Climate Smart Communities Project for the West Canada Creek East German Street Extension Flood Resiliency and Mitigation Project was determined to be ineligible for funding.
- B. A Notice of Agreements with the United States Department of Justice dated February 29, 2024 concerning bankruptcy of Endo International.
- C. A letter dated March 1, 2024 from Collar City Auctions concerning surplus auction, tax foreclosed real estate and E-waste services.
- D. A letter dated March 4, 2024 from National Grid concerning a Smart Meter Update for Upstate New York.
- E. A notification dated March 6, 2024 from the FEMA Herkimer/Mohawk River Corridor Project concerning a 30-Day Engineering Models Notification.  
Supervisor Frank stated this is a draft of a flood plain type mitigation letter where they are asking if we have any comments. He stated he does not have any comments but if anyone else has one to please let him know and he will pass it on.
- F. A letter dated March 6, 2024 from the NYS Unified Court System concerning Section 2019-a of the Uniform Justice Court Act that requires an annual audit of the Town Justices.  
Supervisor Frank stated we will need to do another court audit.
- G. A certificate of Liability Insurance from Geraty Pools & Spa Inc. effective 3/1/24 through 3/1/25.
- H. A letter dated March 12, 2024 from the State of New York Department of State concerning the filing of Local Law No. 1 of 2024.
- I. A flyer for the AOT 2024 Town Finance School Schedule of Events and dates of trainings.

Supervisor Frank stated this is a flyer for an AOT Finance School if anyone would like to attend, it is very beneficial.

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file both items of routed material of the Herkimer College Annual Report 2022-2023 and the Community Foundations 2023 Results Report.

CARRIED AYES ALL

**08) Resolutions.**

**09) Old Business.**

Water Districts: Highway Supt. Ward stated there was a fire at the trailer park on Main Road and the Fire Department used the hydrant off of Pine Grove Road and Main Road.

McKenna Road Enhancement Project: Supervisor Frank stated he has nothing new to report.

West Herkimer Water: Supervisor Frank stated he hasn't heard anything.

East Herkimer Sewer District: Supervisor Frank stated we are looking at a grant through FEMA that is due at the end of April or May.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated the solar project on Shells Bush Road needs easements on some of resident's properties in order to hook up to the grid but this has become somewhat difficult. A meeting has been scheduled and he has suggested legal assistance for the land owners.

Codes: Codes Enforcer Collis stated that the people from the bank were at 936 Steuben Hill Road and boarded up the place. He hasn't heard of any issues since. He stated the trailer on the right of right of Route 5 going toward Little Falls has been broken into and robbed. The neighbor across the street had called and reported it to him so he has since handed over the information to the troopers. The neighbor has it on camera and said that they had come back a second time and took a lot of stuff out of it. Councilman Stalteri asked who owns the trailer? Collis replied stating Mr. Bishall. Collis stated he gave out two permits for the charging stations and two other building permits; one for a solar roof and one for a second story addition. Councilman Stalteri stated

Stumpin by Mike has started putting his building up on Gros Boulevard. Stalteri asked if anything was happening with the old County Home? Collis replied stating he hasn't heard of anything happening and that the Neighborhood Center still owns it. Collis stated there have been storage pods placed at the trailer park for the people to load up their belongings. Councilman Stalteri stated he was told that Bob Hollum had said that he didn't want this project moving forward so he called and spoke to him about the project. Hollum had stated that the girl in the back trailer, who is not supposed to be living there, reached out to him and that he advised her not to sign anything that she is not comfortable with. He stated he spoke to Tolga who said if she doesn't sign this will hold up the project. Stalteri had also spoken to legislator Mark Gaworecki and explained the situation to him as well. He stated that Gaworecki had stated he had received complaints from neighbors about his project and how they do not agree with it. Stalteri explained that half of this money came from the Attorney General because of the tobacco settlement and the other half of the money came from the State so it is not costing local taxes at all. He also stated that when the County had asked for a letter of support of their Landbank, we had said we would support it as long as it did not jeopardize this project. He stated after he explained everything to both Mr. Hollum and Mr. Gaworecki they were both accommodating and supportive. Codes Enforcer Collis stated he condemned all of the trailers last week. The last trailer was being difficult but condemned signs have been posted. Supervisor Frank asked if we have people living in the condemned trailers? Collis stated yes there are still people living in the trailers and that he gave them two weeks to get out. Supervisor Frank asked if we have any resources to get her out since it's been condemned and she is refusing to leave? Councilman Stalteri stated the next steps are for these residents should be moving out to alternative living arrangements in which costs would be covered by the grant. Collis stated he gave them two weeks to get out and advised them that in two weeks someone is coming to start taking the trailers down. Supervisor Frank stated we should be documenting everything so we have it on record.

202 Zoller Ave: Attorney Bray stated we cannot find anything on it being a road so he would advise that we surrender our highway easement and it will go to the adjacent landowners. We should notify the landowners of such. He stated we will let them know that we are correcting this long overdue tax map issue of the road. Councilman Stalteri stated as far as the property for 202 Zoller we should put it on Auctions International so we can elevate the fair market value issue. This would

be no cost to the town and the buyer would pay the fees. Attorney Bray stated we will take care of the right of way first and then do the auction for the property. Supervisor Frank will draft a letter to the adjacent residents making them aware of both.

Piper Road: Nothing new to report.

Landbank: Supervisor Frank stated we have previously discussed this.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated Councilman Kast received a call from the East Herkimer Volunteer Fire Department in regards to them wanting to use the old school for training on Wednesday. He will make arrangements to let them in. Supervisor Frank stated our consultant will do a presentation on the results of the survey next Monday, March 25, 2024 at 6:00PM at the Herkimer High School cafeteria. We will show our future plans and next steps towards funding. We will also inform people of the intended plans for the Town Park. He stated we will need to post this as we will have a quorum and Clerk DeMetro will need to come take minutes. Councilman Stalteri stated he met with our IT guy Brian Keeler last week and found that four of the cameras are not working. He has asked the highway guys to look at them and see if water is in them. He also stated he is recommending that two more cameras be added to the mechanical room and one long range on for outside to be able to look at the darker point of the parking lot. He gave an estimate of about \$1,000 for the three new cameras.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve the purchase of three new cameras.

CARREID AYES ALL

Supervisor Frank stated the charging station should be in next week and that the conduit and wiring has already been put in place. Highway Superintendent Ward stated they cleaned up nicely. Councilman Stalteri stated we will need a key to the CSEA as they have changed the locks. We will need access to the utility room for the charging stations at the Town Office Building. Clerk DeMetro will look into this for us.

ARPA Funding (Exercise Trail): Supervisor Frank stated he plans to bring in our ARPA money to fund some of the project. We will have a transfer at our next meeting and we will have to amend the budget to bring in the ARPA money.

Updating Zoning Ordinance/Map: Supervisor Frank stated the Herkimer Oneida Planning department sent an email indicating they have finished doing the new map. Councilman Stalteri has printed the maps for us. They will also be providing us with a list of all of the properties that will be affected by this change. We will need to alert these landowners and will also have to hold a public hearing. Supervisor Frank will draft a letter to these residents.

Herkimer County Mitigation Plan: Supervisor Frank stated it is in the hands of FEMA and Homeland Security.

Signs entering Town: Tabled.

Charging Station for electronic cars: Supervisor Frank stated this was previously discussed.

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

Public Safety: Supervisor Frank stated we've gotten correspondence over to the Village Attorney, Vince Rossi, with a proposed draft of the inter-municipal agreement.

Lien for work done to 936 Steuben Hill Road: Attorney Bray stated Beth Sadlon from Real Property at the County stated we would need to have it to the county by November 13, 2024 in order for the lien to be on the tax bill for next year. Attorney Bray stated he is going to get ahold of the foreclosure company and let them know of this money that is owed to the town to see if they will take care of it.

ARC Herkimer Event Center Traffic Concerns: Highway Supt. Ward stated he reached out to Billy Yakel who us the State DOT assistant engineer and he said whoever is building the event center is responsible for requesting the traffic study. Ward stated he expressed his concerns over the safety conditions for the intersections of Eatonville Road and Route 5 and Smalls Bush Road and Route 5. Supervisor Frank stated he thinks we should do a joint letter asking for this request. He will draft such letter. Highway Supt. Ward stated he would like to see the plans for where the driveway will meet our road. The board discussed how a fee and application need to be set in conjunction with the passing of our Local Law on Curb Cutting. The board agreed to set the fee in our Fee Schedule for \$75 for residential requests and \$150 for Commercial requests.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve the curb cut fee of \$75 for residential and \$150 for commercial to be added to our fee schedule.

CARRIED AYES ALL

**10) New Business.**

New Checking Account for East Herkimer Sewer District: Supervisor Frank stated the USDA is requiring that we have an account just for this project so we need to open a new checking account. For convenience purposes he would like to have it M&T Bank. Supervisor Frank stated he will ask that the account be interest bearing.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve Supervisor Frank opening a checking account at M&T Bank for the East Herkimer Sewer District Project.

CARRIED AYES ALL

**11) Reports.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Dynamic Proposal for the Fitness Court Installation dated 3/5/24. Supervisor Frank stated this is within budget.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Signed Contract with Brian Keeler for Independent Consultant Services for 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Email confirmation of 02/2024 monthly report submitted to the Justice Court Fund.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town of Herkimer Collateral Tri-Party Security & Custodial Agreement dated 11/6/2007. Supervisor Frank stated this is the M&T collateral agreement where the federal reserve guarantees so much money and anything over that is the banks collateral. This was the original agreement in which they are working with a new company so the next report is with the new company.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on the Town of Herkimer Collateral New Third Party Custodial Agreement dated 2/26/24.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders for East German Street Extension dated 3/7, 3/12, and 3/17 of 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Unified Court System Certification of Completion Continuing Judicial Education for Karl Manne.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Town Justices Report for February, 2024 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated March 17, 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated March 17, 2024.

CARRIED AYES ALL

Supervisor Frank stated the Village of Herkimer asked if we would be willing to discuss the consolidation or merging of their court. They met but didn't communicate with us exactly when and where they were meeting so we didn't have anyone there on the Town's behalf. Our Judges has asked that we meet with them before we meet with the Village so we will coordinate a time with them so they can tell us their thoughts.

Highway Superintendent Ward stated our Spring Trash Days will be May 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> and our Fall Trash Days will be October 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup>. Clerk DeMetro will get this posted on our website for us.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve the Spring Trash Days will be May 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> and the Fall Trash Days will be October 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> suggested by Highway Supt. Ward.

CARRIED AYES ALL

Supervisor Frank stated we need to shore up the insurance issue with our DCO and we still need to have a conversation with the Humane Society.

**11) Purchase orders and Audit.**

Supervisor Frank stated there is one purchase order for this meeting for the installation of the National Fitness Court Equipment by Dynamic Recourses. He stated they wanted half of the money upfront so this is for that.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve the purchase order for the installation of the National Fitness Court.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Audit dated March 18, 2024 with the exception of a \$1,800 Teamsters proposed payment.

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 of the town board. No decisions were made in Executive Session

CARRIED AYES ALL

Motion by Councilman Stalteri, second by Councilwoman DeCarlo to pay the invoice from the Teamsters Union health fund for \$1,800. Supervisor Frank indicated the invoice should be applied to an upcoming June 2024 invoice and that he will communicate such to the Town's Bookkeeper. Highway Superintendent Ward indicated that he would contact the Teamster's Health Fund regarding the matter.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilman Stalteri, seconded by Councilman Carbone, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, April 1, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk