

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, April 1, 2024, at 6:00PM in person, 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
Dog Control Officer-----	Erica Dunton

Excused:

Councilman-----	Randy Kast
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 regular meeting held on March 18, 2024 as written.

CARRIED AYES ALL

05) **Public Meeting.**

Supervisor Frank stated if anyone from the public would like to speak, to please state your name, address and tell us why you are here.

Sally Durkee of 1203 East German Street Extension in Herkimer stated she would like to discuss the issues concerning her fence. She stated she went and looked at her fence and couldn't see it leaning. She had asked Codes Enforcer Collis to come look at it and when he did, he pushed and pulled on the fence. She stated she was shocked and that she had to tell him to stop. Codes Enforcer Collis stated that he does not remember pushing hard on the fence. He stated he met with her to look at the fence three weeks ago and believes she is exaggerating to avoid fixing the fence. Supervisor Frank asked Codes Enforcer Collis if it is his opinion that the fence needs to be fixed? Collis replied stating yes, the fence needs to be fixed and he told her that it had to be done this Spring. Supervisor Frank stated the fence has to get fixed in accordance with our codes and that this has been the case before Collis went and looked at it again. He stated whether he did or did not shake the fence, it needs to be fixed. Attorney Bray asked Miss. Durkee if she had any proof other than his word against hers. She stated she has photos. Attorney Bray stated pictures will not suffice, that she would need a report. She stated she does not have one. Councilman Carbone stated Mr. Collis has given more than enough time to get this fixed. Collis stated this has been going on for over a year now and it still isn't fixed. Supervisor Frank stated the fence needs to get fixed.

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

CARRIED AYES ALL

Councilman Stalteri joined the meeting.

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 C listed below.

- A. A letter dated March 19, 2024 from Charter Communications Senior Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.

- B. A letter dated March 19, 2024 from Friends of Historic Herkimer County seeking a contribution towards restoration of the exterior of the 1834 Jail.  
 Supervisor Frank stated this is a letter from the Friends of Historic Herkimer County asking us for monetary support as part of their local match of a grant for the restoration of the exterior of the 1834 Jail. Supervisor Frank stated as a matter of record he would like to point out that a few years ago the Town did do a \$10,000 support over a two-year period for a grant that required a local match. He asked the board to think about it and let him know their thoughts.
  - C. A letter received from the Herkimer County Marine Corps League asking for a donation towards their USMC Scholarship Fund.

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file both items of routed material of the LaBella Topics and Trends for Municipal Leaders Issue No. 9.

CARRIED AYES ALL

**08) Resolutions.**

Budget Amendment: Supervisor Frank stated this is an addition to the agenda in order to bring in the ARPA money for the town park improvements project. We will need to bring this money into our operating fund. This is not the total cost of the project as we already knew the ARPA money would not cover the whole project. We do not know the full cost yet for this project as we do not have the quotes for the solar lighting and storage building. Once we have these quotes we will decide what we want to do. This will include all of our ARPA money and the ARPA money totaling \$25,000 received from our three legislators.

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

CARRIES AYES ALL

Attorney Bray stated as we discussed before we have not found any information on Ridge Street off of Zoller Ave. Our Highway Superintendent Ward has provided us with a Certificate of Abandonment. The law says its already abandoned but we want to have the proper procedures taken so it can be removed from the real property tax maps. He stated once this is passed we will file it will the Town Clerk and with Herkimer County Real Property Office to have the maps corrected.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 15 of 2024 to Approve the Highway Superintendent Certificate of Abandonment of Ridge Street.

CARRIES AYES ALL

**09) Old Business.**

Water Districts: Highway Supt. Ward stated he has nothing new to report.

McKenna Road Enhancement Project: Supervisor Frank stated we are waiting for our consultant engineer to answer of the questions the Department of Health had.

West Herkimer Water: Supervisor Frank stated he had a conversation with the Town of Schyler and Barton and Loguidice and the Water Authority is in the process of getting contracts with Ilion and Frankfort committing to the project before they make the needed upgrades. They want the Towns and Villages to sign-off agreeing to hook-up else they are not going to do the upgrades. They will not move forward with this until people sign. He has spoken with the Village of Herkimer as well who expressed they are reluctant to sign.

East Herkimer Sewer District: Supervisor Frank stated our consultants are answering questions from the DOT and DEC.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated we are in the formation stage of a potential grant from Homeland Security. This is for the stabilization of the wall and returning the properties affected back to their natural state. This is due by the end of this month.

Codes: Codes Enforcer Collis stated ELG is doing a remodel of a building that is 100,000 square foot and with our fee schedule it would cost them \$0.25 a square foot making it a \$25,000 fee. He feels this is high and wanted to check with the board before he gave them a price. Councilman Stalteri asked the value of the project? Collis replied stating the project is roughly \$3,000,000. Councilman Stalteri asked what we will have into a project like this? Collis replied stating that he will have to do about five inspections. Supervisor Frank asked if this permit includes the demolition? Collis replied stating that was a separate permit. Councilman Stalteri suggested that we do a little homework to see what others do in cases like this to see what is reasonable and customary. We need to cover ourselves as well to make sure everything is correct. Supervisor Frank asked how long ago the permit was filed? Collis replied it's been over a month since he received it and they need to pay before a permit can be issued. Supervisor Frank stated we need to get back to these people with an answer then. Codes Enforcer Collis stated another thing her received in the mail was for the Solar Project on Jon Bonifaces' property. He asked if the board would like them to come do a presentation of the project? Councilman Stalteri stated they should come present it to us. Supervisor Frank stated they should present to us first and then we will refer it to the planning board. We will also need to let them know they will be responsible for our consultant fees. Supervisor Frank stated we should ask Planning Board Chairman Mark Gaworecki to come in for this presentation as well. He also stated we need to clarify a new construction versus remodel and the fees associated with it. Councilman Stalteri stated we should make it \$0.15 a square foot with no cap for a remodel. The board agreed.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 16 of 2024 to update the fee schedule to make the remodel fee for a commercial project \$0.15 per square foot with no cap to it.

CARRIED AYES ALL

Codes Enforce Collis stated he would like to apologize for his tone with resident Sally Durkee. He was caught off guard and confused by her comments. Supervisor Frank thanked him for apologizing.

202 Zoller Ave: Supervisor Frank stated this was previously discussed.

Piper Road: Nothing new to report.

Landbank: Supervisor Frank stated they need to move the storage bins off site to be able to do the site work. The other hold up with there is a power line that has been moved in order to do the demolition. Codes Enforcer Collis stated he called National Grid regarding the power line being moved and someone was sent on Friday. We were told then that we would have a report on Wednesday. The equipment is there and ready to go once the pods and power lines are moved. Highway Supt. Ward stated the water has been shut off. He stated they thought it was a 4" service but it is not so this will need to be upgraded to a 4" and they will need to pay the tap in fee.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated another addition to the agenda is the minutes from the public meeting which we will place on file under reports. He stated we had lots of comments and residents were vocal about traffic concerns and that a traffic study should be done. Councilman Stalteri stated the main traffic is twice a day because of the elementary school. The speed signs do help but we should look into using cameras to ticket the speeders. Also when we redo this road after the sewer line goes in we should make it wider with curbing to make it safer. Supervisor Frank stated we will need to explore grants for anything at 160 Pine Grove Road. Weston and Sampson do not do grants but will support one. Supervisor Frank recommends CT Male as our grant writer for this project. We will also need in the application to study the traffic. Supervisor Frank will reach out to CT Male. He stated he thinks the sooner we start the better.

ARPA Funding (Exercise Trail): Supervisor Frank stated we have minutes from the previous committee meeting under reports.

Updating Zoning Ordinance/Map: Supervisor Frank stated the map should include the railroad tracks. Clerk DeMetro has the labels ready for us to mail letters to the residents the zoning changes will affect. He stated we have two different letters for the residents depending on the changes that were made to the zoning of property. He will check with the school to see when the cafeteria is available for us to hold the public hearing of the proposed zoning map changes.

Herkimer County Mitigation Plan: Nothing new to report.

Signs entering Town: Nothing new to report.

Charging Station for electronic cars: Supervisor Frank stated all of the permits have been issued. Highway Supt. Ward stated the conduit has been put in the ground at the highway garage. Friends of Town of Herkimer/Not for Profit: Tabled. Public Safety: Supervisor Frank stated he hasn't heard anything from the Village besides confirmation that they have received our proposal. Lien for work done to 936 Steuben Hill Road: Attorney Bray stated he needs to contact to see if we can work out what's owed to the Town with them. ARC Herkimer Event Center Traffic Concerns: Supervisor Frank stated we are still working with the Town of Little Falls for a traffic study.

**10) New Business.**

Sponsoring band at Village of Herkimer's Chow Down: Supervisor Frank stated we have been asked to sponsor a bank for the Chow Down again this year. We have been asked to donate \$500 to sponsor the Vinylogics on June 24, 2024. He stated this is the same amount we have sponsored the last two years.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the sponsorship of \$500 for the Village of Herkimer Chow Down on June 24, 2024 of Vinylogics.

CARRIED AYES ALL

**11) Reports.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Executed Contract with Dynamic Resources for the installation of the Fitness Court dated 3/19/24.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Informational Meeting Minutes dated 3/25/24 on presentation of survey results for the reuse of 160 Pine Grove Road.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Emergency Orders for East German Street Extension dated 3/22 and 3/27 of 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Renewal State of Emergency Declaration for East German Street Extension dated 3/27/24.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated March 31, 2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated March 31, 2024.

CARRIED AYES ALL

Councilwoman DeCarlo stated she had spoken to Katy Nichols who expressed she would like to sell water at our Town Park Celebration on behalf of the Friends of Historic Herkimer. Supervisor Frank said to let her know she can set up a booth. Supervisor Frank stated we had a Town Park Celebration Committee Meeting on March 21, 2024. He stated everything is moving along for the celebration. Supervisor Frank stated the fire department will be having a chicken bbq and will be bringing the fire trucks out for kids to see and

go inside. He stated we would like our Highway to bring some of their trucks as well. Highway Supt. Ward stated he will do so. Supervisor Frank we are working on getting entertainment as well.

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

CARRIED AYES ALL

Councilman Stalteri asked if the Town Park has been opened. Highway Supt. Ward stated he has not opened it yet. Supervisor Frank stated we should keep it closed since construction will begin soon. Supervisor Frank will talk to our consultant about having our contractor block off access to the park for safety during the town park improvements.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to closed the Park due to construction.

CARRIED AYES ALL

**11) Purchase orders and Audit.**

There were no purchase orders for this meeting.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated April 1, 2024.

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 Councilman Stalteri, 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

**12) Adjourn.**

Motion by Councilwoman DeCarlo, 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 15, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk