

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, May 6, 2024, at 6:00PM at the Herkimer Town Hall located at 114 North Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

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

Excused: Councilman-----Daniel Stalteri
 Dog Control Officer-----Erica Dunton
 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 Councilwoman DeCarlo, seconded by Councilman Carbone, to accept and place on file the minutes of the previous regular meeting held on April 15, 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.

Codes Enforcer Collis stated he would like to introduce David Vogt and Andy Reddington who are here to discuss their proposed development of a youth center. David Vogt of 320 Margaret Street in Herkimer stated they are in the process of purchasing 12-acres off of Gros Boulevard between Annutto’s and Stumpin’ by Mike. He stated this property is zoned commercial but he just wanted to make sure they will be allowed to do what they want to do. His partner Andy Reddington of Poland, stated they are looking to build an indoor sports complex with two basketball courts, a concession area and bathrooms. Supervisor Frank asked how this will support itself? Mr. Vogt replied stating their plan is to host AAU youth basketball tournaments. He stated there is 141 teams between girls and boys. There will be volleyball and pickle ball lines as well. They will support it by tournament fees, memberships and birthday parties. Supervisor Frank stated this sounds exciting and asked if they have a business plan. Mr. Vogt replied stating they have one that is being reviewed for them. Supervisor Frank asked if this fits within the zoning. Codes Enforcer Collis replied stating he believes so and advised Mr. Vogt and Mr. Reddington to attend the Planning Board meeting set for Wednesday, May 8, 2024. Councilman Carbone stated battling cages would be good as well. Mr. Vogt stated they are building this so they can add on if all goes well.

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

CARRIED AYES ALL

06) **Petitions and Communications.**

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

- A. A certificate of liability insurance dated April 6, 2024 for Herkimer Girls Youth Softball effective 4/8/24 through 4/8/25.
- B. Letters dated April 17, 2024 from Supervisor Frank to Herkimer County BOCES District Superintendent, D. J. Shepardson and Herkimer Central School District Superintendent, Kathleen Carney, concerning traffic concerns of Pine Grove Road.

- C. A letter dated April 19, 2024 from Herkimer County Treasurer, Kim Enea, concerning the Herkimer County Sales Tax Apportionment Summary for the first quarter of 2024 based on the 2023 Tax Roll.
- D. Letter dated April 19th and 23rd of 2024 from Charter Communications Senior Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.
- E. A letter received from Receiver of Taxes, Jodi Rivers, resigning as Deputy Town Clerk effective April 15, 2024.
- F. A letter received April 29, 2024 from the Business & Professional Association of Herkimer concerning the Herkimer Diamond Days to be held on Saturday, August 10th.
- G. A letter dated April 29, 2024 from Supervisor Frank to NYS Division of Homeland Security and Emergency Services Mitigation Section Review Team concerning our application to FEMA's Hazard Mitigation Grant Program DR-4723.
- Supervisor Frank stated we are applying to FEMA for our East German Street Ext. issue.
- H. A letter dated April 30, 2024 from the NYS DOT concerning the next quarterly SFY 2024-25 CHIPS, PAVE-NY, EWR and POP reimbursements are schedules to be made on June 26, 2024.
- Supervisor Frank stated our CHIPS budget looks about the same as last year. He asked if Highway Superintendent Ward had handed in the 284 Form? Highway Superintendent Ward stated he is waiting on one more quote and then can do the 284 form.
- I. Life Insurance Company for Geraty Pools and Spa Inc. effective 1/1/24 through 12/31/24.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Motion by Councilman Kast, seconded by Councilman Carbone to table Resolution No. 21 of 2024 to hold a public hearing on May 6, 2024 at 6:05PM at the Herkimer High School Cafeteria. Supervisor Frank stated there are forty-one parcels that will be affected by this and we will be sending letters to them as well as their neighbors.

CARRIES AYES ALL

09) Old Business.

Water Districts: Highway Supt. Ward stated we had a valve that was leaking by the water tower so they got it fixed. He stated he read meters last week and Water Clerk Rivers came up with quite a difference from the master meter and what we read. He thinks this is due to the leaky valve and the fire at the trailer park. He also stated he spoke with Jim Werzinski about him adding a two-inch tap from the main to the property.

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

West Herkimer Water: Supervisor Frank stated he has nothing new to report.

East Herkimer Sewer District: Supervisor Frank stated we are still waiting for the regulatory agencies to review our answers to their comments.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated we are applying for funding for this project.

Codes: Codes Enforcer Collis stated 220 Main Road has most of the foundations done but there is still some excavating that needs to be done. Collis stated he spoke with Frank Palumbo about the landscaping on Shells Bush Road. He wanted to know what type of trees they are planting so he will look into this for him. Collis stated the County is forming a new landbank of their own. They have already received money to take down some properties.

Piper Road: Supervisor Frank stated he had nothing new to report.

Landbank: Supervisor Frank stated we already heard about the progress.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated our IT guy has been working with Councilman Stalteri and our highway guys on the cameras. Highway Supt. Ward stated the connection was corroded. He thinks the seal was bad some this will be getting replaced. Councilman Stalteri wants the camera room to have more cameras as well.

ARPA: Supervisor Frank stated the trail is just about in with crusher run. The concrete pad has been poured for the fitness court and pad but not yet for the utility shed. He stated tomorrow he will walk the project. Supervisor Frank stated once we have the quote for solar lighting then he will present the entire budget of the project for the board to review. He stated one of the potential funding sources for parks and recreation is if you get it, it can only be used for park stuff in

perpetuity. In order to do the parking lot, we would have to parcel that portion off of the school and will need to deed it to the park. We are working with our grant writer and have received estimates for the parking lot, estimates for redoing the bathroom to make them handicap assessable, estimates for reshaping and upgrading the ball fields, and estimates for the installation of volleyball and bocce ball courts. This funding is based on the average medium income and dictates how much we can get. Supervisor Frank asked if we had any further information on ticketing with a speeding camera. Attorney Bray stated the State has started using cameras in work zones that are an automatic ticket with a fine but no points on their license. He also stated NYC is also using cameras in school zones and he believes the process is by state law. He stated Herkimer County has some sort of device that tracks speeding, number of car and ect. but he doesn't believe this device can ticket.

Updating Zoning Ordinance/Map: Supervisor Frank stated we will hold the Public Hearing for the proposed new zoning map on May 20th at the Herkimer High School Cafeteria.

Herkimer County Mitigation Plan: Supervisor Frank stated we are still waiting to be approved by FEMA.

Signs entering Town: Tabled.

Charging Station for electronic cars: Supervisor Frank stated the work has started for the charging stations at this building Highway Supt. Ward stated we are waiting on National Grid to put in a bigger pole for the transformer at the Highway Garage. Supervisor Frank stated we will get a report and check monthly to see the usage and we can adjust the pricing as needed.

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

Public Safety: Tabled.

Lien for work done to 936 Steuben Hill Road: Attorney Bray stated he is waiting to hear from the county who is looking into something for him.

ARC Herkimer Event Center Traffic Concerns: Nothing new to report.

Friends of Historic Herkimer Donation Request: Supervisor Frank stated the Friends of Historic Herkimer has asked us for a donation to meet their local match of a grant. They had asked for \$5,000 for two years. He stated this is similar as we had done before. He stated we have the money in our planning fund that is available if the board so chooses. The Village of Herkimer is debating it as well and has not made a decision yet. Once we hear what they have decided we will make a decision as well.

10) New Business.

Snow Removal Contract with Herkimer County 1/1/25-12/31/29: Supervisor Frank stated this is a new contract proposal. He stated he hasn't had a chance to review it yet but it is usually a formula based on sales tax.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to allow Supervisor Frank to sign the Snow Removal Contract with Herkimer County as long as it is the same as years passed.

CARRIED AYES ALL

East Herkimer Water Billing vs. Meter Ready 2/1-4/30: Supervisor Frank stated this has been previously discussed. He would like to note that we have received our ipad needed for the software upgrades requirements. Highway Supt. Ward stated the lady from Ti Sales needs to communicate with KVS first before we can do the upgrade. We are planning for this to be done by next month. Supervisor Frank will speak to our Verizon guy to have the ipad instituted for date. Highway Supt. Ward stated we should create a separate account with Verizon for this because it is for water.

11) Reports.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the ARPA Annual Report dated 4/26/24.

Supervisor Frank stated we had to get this turned into the feds to let them know we have committed our ARPA funds but haven't spent the money yet. We needed to have the money committed this year and have until the end of next year to spend the money where we have allocated it.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the Town Park Committee Meeting Minutes and Schedule dated 5/4/24.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Annual Financial Report for 2023. Supervisor Frank stated we turned in our Annual Report to the State Comptroller's Office on time.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Town of Herkimer Sales Tax Report dated 4/24/24 from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Herkimer Police Traffic Study on Pine Grove Road dated 4/11/24. Supervisor Frank stated this study was completed by Village of Herkimer Police Chief Jory.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the National Grid Agreement for Electric Vehicle Charging Stations at the Town Park.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders dated 4/16, 4/21, 4/26, 5/1 and 5/6 of 2024 for East German St. Ext.

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 St. Ext. dated 4/26/24.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the DCO Report for March, 2024 from DCO Erica Dunton.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated May 5, 2024.

CARRIED AYES ALL

Supervisor Frank stated the Town Park Celebration Committee is really coming together. They have lots of things planned and will be a great event for the community. He stated the Chamber will be

doing a ribbon cutting. There will be several expeditions including dance, to chi, pickle ball, basketball with the Herkimer OG, baseball with the Diamond Dogs, the library will do a story lap, a corn hole tournament, we are working on getting people trained on the fitness equipment and the Highway Department and East Herkimer Volunteer Fire Department will allow kids to go in and see the equipment. The Fire Department will also be having a chicken bbq from 1-3. We have a volunteer who has been working on a facebook event page for us as well as flyers.

Supervisor Frank stated he would like to report that the Village did vote to dissolve as of June, 2026. The current resolution of such is subject to permissive referendum. If petitioned, then it would go to a vote on the election ballot.

11) Purchase Orders and Audit.

There is one purchase order for this meeting for the IPAD for the software updates that will be used for all water districts.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve the purchase order for the new IPAD.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated May 6, 2024.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Kast, 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, May 20, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk