

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, May 20, 2024, at 6:00PM at the Herkimer Jr/Sr High School Cafeteria located at 801 West German Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present:

Supervisor-----	Dominic Frank
Councilman-----	Daniel Stalteri
Councilman-----	Randy Kast
Councilman-----	Vito Carbon
Councilwoman-----	Kathleen DeCarlo
Highway Supt.-----	Ken Ward
Codes Enforcer-----	Ken Collis
Attorney-----	Christopher Bray
Town Park Supervisor-----	Kathi Nasypany

Excused:

Dog Control Officer-----	Erica Dunton
Deputy Attorney-----	Kyle Crandall

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 Councilwoman DeCarlo, seconded by Councilman Stalteri, to accept and place on file the minutes of the previous regular meeting held on May 6, 2024 as written.

CARRIED AYES ALL

05) **Public Hearing on Proposed Zoning Map changes.**

Supervisor Frank opened the public meeting at 6:06PM abtread the public notice that was listed in the paper. He stated there has been some changes in zoning since our last maps were created so we wanted to update our zoning map to make it more reflective of these changes. The Herkimer/Oneida County Planning Board had grant funding to cover the cost of creating an up to date map, to make it available digitally, bigger and to be able to easily distinguish the different zones. While doing so they found that 41 parcels that had more than one zone one them so they suggested that we make these parcels the least restrictive. These parcels all were either R1, R2 or R3 and Agriculture so with this theory all of these parcels would become agriculture. He stated all neighbors of such parcels as well.

Leah Peyton of 122 Willis Ave. stated a lot of her neighbors have received letter but she didn't and is wondering why? She also asked how this would affect taxes?

Supervisor Frank responded stating we received a list from the outfit who designed the new map with the 41 names and their neighbors. We used this list to mail out the letters. If you did not receive one, there is no change to your property or a neighboring property. He stated he has spoken with our assessor and zoning would not cause a change for taxes and that the taxes are based of cost value of structures.

John Sementilli of 118 Walnut Avenue stated he would like to see something in writing that the taxes will not change.

Mike Lavelle of 326 McKennan Road state he thinks it would be a big mistake making it least restrictive. He is concerned because Schuyler made this mistake too and now solar farms are going up everywhere.

Donald Foor of 774 Steuben Hill Road stated he thinks it should be more restrictive and asked if we could clarify the differences for zones?

Codes Enforcer Collis read the descriptions as listed in our zoning ordinance for the different between R1, R2 and R3. He also stated the required lot sizes are different as well depending on the zone.

Donald Foor stated the land across from his house was cleared for the Town to put up a water tower and he was never notified. He does not want to look at a water tower and stated it will decrease the value of his property.

Supervisor Frank stated the Town has purchased and cleared this land for the proposed water tower but a public hearing has not been held yet.

Frank Krawsewski asked what his zoning is now and what is it going to? Supervisor Frank stated that we would have to look at the map to see but the proposal was to change all the agriculture who had more than one zone on their parcel.

Daniel Kupiak of 1198 Steuben Hill Road asked if Codes Enforcer Collis had said R2 is supposed to be serviced with municipal water?

Codes Enforcer Collis replied stating it could be serviced by municipal water.

Charlene Miller of 1330 Steuben Hill Road stated we do not want the least restrictive because they live there for it to be quiet. She asked why change it at all if it's not bothering anyone? She also stated she is very upset, along with her neighbors, about hearing of a possible massive solar farm.

Supervisor Frank stated it was suggested to us to make this proposal by the consultant who was redesigning our map for us and we are holding this public hearing to get residents input first. He stated he was given a curtesy notification of the possibility of a large solar project. He stated when a solar project is over a certain size the state takes control over it so municipalities have no say.

Ronald Honka of 1426 Steuben Hill Road asked how there can be two zones on one parcel?

Supervisor Frank stated we are unsure how this came about but are looking to get it cleaned up. Mark Nagele of 373 Smith Road stated he has a farm and if its changed to more restrictive that he will not be able to farm his own land anymore. He stated this doesn't seem fair.

Dewey Boyer of 1113 of Steuben Hill Road stated we should let the property owners decide what they want for their parcel.

David Kuehnl of 3475 State Route 28 stated the towns should be working together to challenge the state against them taking local power away in concerns of large solar projects.

Supervisor Frank stated the Association of Town challenged it and his only guess is that they were unsuccessful.

Samantha Spanfelner of 902 McKennan Road stated she did not receive a letter but would like to see a map of what things were to what the proposed change it so people can better see and understand.

Supervisor Frank agreed that would be helpful but we do not have such we just have a poster of the original map we have and one with the proposed changes.

Leah Payten asked if a home can be in agriculture zone? She also stated that solar should be considered commercial and not allowed in agriculture.

Supervisor Frank stated a home can be built in an agriculture zone.

David Teachout of 924 McKennan Road asked if we can just grandfather these 41 parcels into the new map as they are in the original map?

Supervisor Frank stated we basically have four options here based on what we have heard tonight; 1. make the parcel least restrictive, 2. make they more restrictive, 3. not change them at all or 4. give the 41 parcel owners the option to decide what they would prefer. The board will further discuss this at a later time and try to decide on what the best option is. Supervisor Frank thanked everyone for their time.

Motion by Councilman Kast, seconded by Councilman Stalteri to close the public hearing.

CARRIED AYES ALL

**06) 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.

Kevin LaQuay of 1080 Steuben Hill Road asked if there has been any communication about the proposed solar farm? Supervisor Frank stated we were given a courtesy letting us know of such but have not received any other information on it. He stated he will let him know if he hears anything. Roy Wood of 174 Shells Bush Road asked the status of the solar project on Shells Bush Road? Supervisor Frank stated he has heard they are having difficulty finding a path to the grid.

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

CARRIED AYES ALL

**07) Petitions and Communications.**

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

- A. Letters dated May 10, 2024 from Supervisor Frank to residents and their neighbors concerning the public hearing or the proposed zoning map changes.
- B. An email dated May 13, 2024 from Planning Board Chairman Mark Gaworecki concerning the Planning Boards Recommendations for the PureSky Energy Solar Project off of Edgar Street.
- C. An email dated May 13, 2024 from Congresswoman Elise Stefanik's District Director, Jonathan Carman, concerning the FY2025 Community Project Funding Request. Supervisor Frank stated our application for congressionally directed spending has been pushed forward on the priority list.
- D. A letter dated May 13, 2024 from Mark Nagele concerning the proposed zoning map changes. Supervisor Frank stated we were able to hear Mr. Nagele's concerns during the public hearing.
- E. A letter dated May 17, 2024 from Supervisor Frank to Empire State Development Corporation Regional Director, Allison Madmoune, concerning status of the East Herkimer Sewer District Project CFA #75097 status report and a request for an extension. Supervisor Frank stated this requesting an extension of funding.

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on the file the routed material of an Application of Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless for New Personal Wireless Services Facility at 1862 Steuben Hill Road.

CARRIES AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to refer this application to the Planning Board for comment.

CARRIED AYES ALL

**08) Resolutions.**

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve Resolution No. 22 of 2024 for the Abandonment of Beaver Avenue.

Attorney Bray stated our Highway Superintendent Ken Ward has already signed the certificate of abandonment for this road. He stated this road is on the tax map but was never built so are doing this to help clean up our tax maps to make them accurate.

CARRIES AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 23 of 2024 a Bond resolution for \$180,000 to help fund the Town Park Improvements. Supervisor Frank stated under reports is a finance report for the town park improvements project. He stated he shopped around and NBT had the bid for this BAN with a payment plan over five years and we will use operation funds to pay it.

CARRIED AYES ALL

**09) Old Business.**

Water Districts: Highway Supt. Ward stated we will be putting a tap in for the trailer park on Thursday or Friday of this week.

McKenna Road Enhancement Project: Supervisor Frank stated he has nothing new to report and that our plans have been submitted to the regulatory bodies and haven't heard any response of further comment.

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. He stated as noted in petitions and

communications we are asking for an extension from a funding source since the permit process has been taking so long.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated we made our initial application to FEMA and now we are anticipating a lot of work this process.

Codes: Codes Enforcer Collis stated the modular homes were delivered and set on foundations.

Piper Road: Supervisor Frank stated he had nothing new to report besides that we have a plan and need to get funding to fix the issues.

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

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated the cameras have been ordered.

ARPA: Supervisor Frank stated we just passed a resolution for the bond. He stated the trail is three quarters of the way done and the installation of the fitness court is set for May 29<sup>th</sup>. The fencing company will be out this week.

Updating Zoning Ordinance/Map: Supervisor Frank stated we previously discussed this.

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 charging stations at the park installed and operational. The Town Office have the charging stations installed but are not operational. Highway Supt. Ward stated they are waiting for national grid needs to upgrade the pole.

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

Public Safety: Tabled.

Lien for work done to 936 Steuben Hill Road: Attorney Bray stated this will go on the town and county tax bill next year but he is trying to get the money another way sooner.

Friends of Historic Herkimer Donation Request: Councilman Stalteri stated the Village is not supporting it. Supervisor Frank stated he hasn't asked if other municipalities.

Town Park Celebration: Supervisor Frank stated the preparations for the celebration are coming along great with lots of things scheduled. The schedule is filling up. The ribbon cutting is scheduled for 11:00 AM. Supervisor Frank stated the next committee meeting is set for next Thursday at 5:00. Samantha Spanfelner asked if there will be any updates to the bathroom to make they handicap accessible? Councilman Stalteri stated not yet, but we are working on it. Supervisor Frank stated we have it priced put and are looking for grants.

#### 10) New Business.

Agreement with Wladis Law Firm for the Presky Energy Solar Project: Supervisor Frank stated this is to engage with a consultant to make sure they are meeting all of our standards.

Agreement for the Payment of Municipal Legal and Engineering Expenses by PuseSky Energy:

Supervisor Frank stated this is will be for an escrow account to be created for any fees involved on the Town's behalf.

Motion by Councilman Stalteri, seconded by Councilman Kast to allow Supervisor Frank to allow Supervisor Frank to enter into these agreements.

CARREID AYES ALL

#### 11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the 2024 Town Park Improvements Financial Update.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Town Justices Reports for April, 2024 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for March, 2024 from Budget Officer Marcia Baylor.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Cash Report for March, 2024 from Supervisor Frank

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the East Herkimer Sewer District Amendment #4 Proposal with KB Engineering & Architecture. Supervisor Frank stated in order to receive USDA funding. They have made changes to their standards than when we submitted in 2019 so we need to update some things to accommodate these changes.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Orders dated 5/11 and 5/16 of 2024 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated May 19, 2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated May 19, 2024.

CARRIED AYES ALL

Highway Supt. Ward stated he has put off cold paving McKennan because the water project was supposed to be coming in but he can't keep putting it off any longer. He planned on cold paving it but a local company gave him a quote to hot top it for only \$8,000 more and we could use CHIPS money to fund it.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve this with the condition of receiving get two more quotes.

CARRIED AYES ALL

**1.1) Purchase Orders and Audit.**

There is one purchase order for this meeting for a hydraulic motor repair for the skid steer at a cost for \$4,400 out of the machinery contractual DA fund.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve the purchase order for the hydraulic motor report of the skid steer.

CARRIED AYES ALL

Highway Supt. Ward stated he has two 284 forms for the road construction for 2024. The first is to cold pave the same ones as last season. It will be covered by CHIPS.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the 284 form as indicated by Highway Supt. Ward.

CARRIED AYES ALL

Highway Supt. Ward stated the second 284 form This would be covered by CHIPS and within our road maintenance budget.

Motion by Councilman Starteri, seconded by Councilman Kast to accept and place on the file the second 284 form as indicated by Highway Supt. Ward.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated May 20, 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