

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, June 17, 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-----           | Daniel Stalteri               |
|          | Councilman-----           | Randy Kast                    |
|          | Councilman-----           | Vito Carbon came in at 7:00PM |
|          | 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 Grandall |

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 June 3, 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.

Robert Schrader of 115 Dickie Ave. stated he would like to ask the board to make a request to the DEC to have an informational meeting with the Town Board and its residents on the draining of the Mirror Lake. He stated Bruce Ward was in litigation but Judge Rose chose to let the State proceed with the dame being taken down. He stated he would like to the know the State's intentions for maintaining it? He stated he reviewed the Army Corp. of Engineers report, who had approved it a long time ago but since then the Petrie Development has flooded. He stated he is concerned that there will be more run off because of the proposed solar on Steuben Hill Road. Supervisor Frank asked if he wants this meeting to inform the board and its residents of what's going on here? He asked if the dame was within the Village of Herkimer? Mr. Schrader replied stating yes, the board and public should be aware of what is going on and that the dame is in the Village but what's going to be effected will mostly be in the Town. Supervisor Frank stated he has a meeting with the Mayor tomorrow on another matter and will discuss this with her as well to try and make this a joint effort to get questions answered. MR. Schrader stated he doesn't feel that the State did their due diligence. Leah Payton of 122 Willis Ave. stated as a resident she is concerned because no one has talked to us as residents and this is right in our back yard which is causing turmoil and fear. Supervisor Frank stated we are in the dark with this as well but he will try to get a meeting scheduled so we can all get answers.

Motion by Councilman Stalteri, 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 G listed below. He stated G is in the packet for the board and needs to be added to the agenda. Item G is the recommendation from the Planning Board Chairman on the proposed Cell Tower on Steuben Hill Road.

- A. A letter dated January 18, 2024 from U.S. Army Corps of Engineers Buffalo District Biologist, Margaret Crawford, concerning the proposal to discharge fill associated with the removal of the Mirror Lake Dam.  
Supervisor Frank stated this is in reference to what Legislator Schrader was talking about. It is technical and quite lengthy.
- B. Letters dated June 7<sup>th</sup> and 14<sup>th</sup>, 2024 from Charter Communications Senior Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.
- C. A letter dated June 12, 2024 from the Herkimer County IDA Operations Manager, Victoria Adams, concerning a notice of public hearing for the proposed Herkimer Local Development Corporation Project.  
Supervisor Frank stated items C and D are letters from the IDA concerning a PILOT for 415 Main Street in Herkimer. He asked if the legislators who are present to please help us understand these? Robert Schrader stated this property is tax exempt so there would be no need for a pilot. He stated he was under the impression that the IDA wanted this building to move into so the County gave it to them. Supervisor Frank asked why the letter is from the Herkimer County IDA but notes that the letters are for the Herkimer Local Development Agency? He asked what the different is? After some research Attorney Bray stated it appears to be the same board as the IDA so looks like it is part of the IDA. Legislator's Robert Schrader and Greg Malta stated they would like copies of these letter so they can look into this more for us. Clerk DeMetro will email them copies.
- D. A letter dated June 14, 2024 from the Herkimer County IDA Chief Executive Officer, John Piseck, concerning the proposed deviation from the Uniform Tax Exemption Policy related to the proposed Herkimer Local Development Corporation Project.
- E. An email dated June 17, 2024 from Herkimer County Administrator Secretary, Brandy Serow, concerning the approaching heat wave and cooling stations.  
Supervisor Frank stated we are being asked by the County if we have any cooling stations within our jurisdiction? The board agreed that we do not have any official cooling locations and Supervisor Frank will respond as such.
- F. An email dated June 17, 2024 from NYS Division of Homeland Security and Emergency Services Environmental Specialist Project Manager, John Wilkinson, concerning the acquisition required certifications.
- G. An email received June 17, 2024 from Planning Board Chairman Mark Gaworecki concerning the proposed Verizon cell tower on Steuben Hill Road.  
Supervisor Frank stated we received an email from Planning Board Chairman Gaworecki for the building permit submitted for the proposed cell tower on Steuben Hill Road. Codes Enforcer Collins stated the building permit has been submitted and the fee has been paid. Scott Olson stated he is here on behalf of Verizon for this project. He stated we the location was determined this is where it needs to be. It will be a 100' by 100' fenced in with a 75' by 75' compound. He stated the utilities will be underground from the road. The tower will be just under 200' tall so it will not be lighted. The board stated they see no issue with this project and the Planning board found no impact as well.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to approve the application for the cell tower on Steuben Hill Road.

CARRIED AYES ALL

- 08) Resolutions.**  
Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept, place on file and approve the budget amendment recommended by Supervisor Frank. Supervisor Frank stated this is for the approved BAN for part of the financing of the Town Park Renovation because we had budgeted \$100k but we need it for \$180K.

CARRIES AYES ALL

**09) Old Business.**

Water Districts: Highway Supt. Ward stated the water is hooked up at the trailer park. We made sure that it worked and then turned the water back off until the overdue bill has been paid. The board agreed.

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 he has nothing new to report. Highway Supt. Ward state he has a meeting on the 20<sup>th</sup> with national grid and our engineer because a sewer line needs to be four feet from a gas line.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated Councilman Stateri, Attorney Bray and himself had a meeting today at 5:00PM with the residents involved. All three residences involved signed the necessary paperwork and the voluntary mitigation grant participation and waiver agreement for the assessment in order to apply for grant funding. In this agreement the residents have the right to the final decision but have agreed they want this project to move forward. The residents involved were Bill Penree, Dee Walawender and Bill Walawender. Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to accept and place on file the declaration, release forms and voluntary mitigation forms.

#### CARRIED AYES ALL

Codes: Codes Enforcer Collis stated he has nothing new to report and that he is working on a couple of violations.

Farmers Market: Park Supervisor Nasypany stated she has fifteen-plus vendors if all show up for the farmer's market. She will meet with Supervisor Frank and Councilman Stateri at 11:00 on Wednesday for a normal update meeting.

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: Councilman Stateri stated he was in the building the other day and noticed in the mechanical room that plaster has fallen from the ceiling. He also stated we will need some ventilation in the building. Councilman Kast stated opening the higher windows should suffice.

ARPA: Councilman Stateri stated the trail and fitness court are complete. The garbage has been cleaned up by the highway. The final pavement was last week. The greenery, mulch and benches have now been set. The seeding was done today. We are still waiting on the privacy landscaping and fencing to be completed. He stated it looks great and the trail is already being used. He asked Highway Supt. Ward about watering the plants. Mr. Ward replied stating his guys did it today and it took almost four hours but this is not something that they will do it again. The board will look in to alternative options.

Updating Zoning Ordinance/Map: Tabled.

Herkimer County Mitigation Plan: Supervisor Frank stated he has nothing new to report.

Signs entering Town: Tabled.

Charging Station for electronic cars: Highway Supt. Ward stated we are still waiting for national grid to upgrade their transformer.

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 working on it.

Friends of Historic Herkimer Donation Request: Supervisor Frank asked Legislator Schrader if the County was contributing to this? He replied stating they he believes they are. Councilman Stateri stated the Village is not contributing.

Town Park Celebration: Supervisor Frank stated it is really coming together and that the committee met last week to go over logistics. He stated we have contacted the Sheriff's to assist with traffic control and they are considering it. He also stated we have had quite a bit of media coverage even though it is boiler maker weekend.

202 Zoller Avenue: Highway Superintendent Ward stated he sent the minutes to Auction's International stating the board deeming it a surplus so it should be going on the site in the near future.

#### 10) **New Business.**

Change Order #2 for Park Renovation: Supervisor Frank stated this is for the purchase and installation for the 6 solar lights for the walking trail. We had estimated \$52,000 but it came in at \$39,000.

Motion Councilman Stateri, seconded by Councilman Carbone to accept, place on file and approve Change Order #2 for Park Renovations.

CARRIED AYES ALL

**11) Reports.**

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Special Franchise Full Values or Assessments from NYS ORPTS letter, CT Final & Resolutions.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the both Zoning Map Update emails dated 6/4/24 and 6/6/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Park Celebration Committee Meeting Minutes dated June 13, 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Stone Ridge Hydro's Notice of Intent to file new license application.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the Bank Reconciliation Report for April, 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 April, 2024 from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the 2024 State Equalization Rate and Status, Data and Impact Reports.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Emergency Orders dated 6/5, 6/10, and 6/15 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 Town Justices Report for May, 2024 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated June 14, 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated June 14, 2024.

CARRIED AYES ALL

**11) Purchase Orders and Audit.**

There are no purchase orders for this meeting. Highway Supt. Ward stated he has two 284-forms. One is for \$51,211.32 to chip seal Osborne Hill Road. He stated this will come out of maintenance fund and within our budget.

The Second one is for \$61,340.00 to mill and hot pave McKennan 1 ½. Supervisor Frank asked where we are with CHIPS money. Highway Supt. Ward stated he is unsure of the exact figures but knows we are safe within our CHIPS Budget.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to approve both 284-forms presented by Highway Supt. Ward.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Audit dated June 17, 2024.

CARRIED AYES ALL

**12) Adjourn.**

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

CARRIED AYES ALL

Jennifer M. DeMetro, Herkim. Oer Town Clerk