

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, July 15, 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  
          Attorney-----Christopher Bray  
          Town Park Supervisor-----Kathi Nasypany

Excused: Dog Control Officer-----Erica Dunton  
          Deputy Attorney-----Kyle Crandall  
          Codes Enforcer-----Ken Collis

03) **Pledge of Allegiance to the Flag.**

Councilwoman DeCarlo led us in the Pledge of Allegiance to the Flag.

04) **Reading of the Minutes.**

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous regular meeting held on July 1, 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.

Chris Baiamonte stated the Town has received a solar application off of Folts Road with the agreement executed by Supervisor Frank. The Town has retained CT Maies to be our consultant engineer and Wladis as the consultant attorney. He has a proposed resolution for the board to review that would declare our intent to be the lead agency on the SEQR. Supervisor Frank suggested a public hearing on this. Mr. Baiamonte agreed and stated it should also be posted on the Town’s website. Mr. Baiamonte will get the proper notices sent out. The board agreed. In accordance with our zoning ordinance, the Town Board will refer this to the Planning Board for recommendation. Once we receive their recommendation we will then set a public hearing.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve the Town of Herkimer as the lead agency for the proposed Folts Road Solar Project.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to refer this project to the Planning Board for review and comment.

CARRIED AYES ALL

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

CARRIED AYES ALL

06) **Petitions and Communications.**

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

- A. A letter dated June 14, 2024 from the Herkimer IDA Chief Executive Officer, John Piseck, concerning the Proposed Deviation from Uniform Tax Exemption Policy related to the proposed Herkimer Local Development Corporation Project.

- B. An email dated June 28, 2024 from Congresswoman Elise Stefanik's District Director, Jonathan Carman, concerning our Community Project Funding Request has made it to the second step in the process.
- C. A letter dated July 1, 2024 from Supervisor Frank to Town Residents stating no changes will be made to the current zoning map.
- D. A letter dated July 3, 2024 from Supervisor Frank to the Friends of Historic Herkimer County President, James Greiner, in support of it 2024 Mohawk Valley Erie Canal Way Grant Application.
- E. A notice of intent to file application for a new license by Keg Creek Consultants for the Herkimer Hydroelectric Project received July 3, 2024.
- F. An email dated July 11, 2024 from Elise Stefanik's District Director, Jonathan Carman, concerning our Community Project Funding Request has made it to the final step in the process. Supervisor Frank stated with items B and F we can see things are moving along quickly. Councilman Stalteri stated this is great news.
- G. A letter dated July 11, 2024 from Supervisor Frank to NYS Homes and Community Renewal Commissioner, RuthAnn Viskauskas, concerning our support of the Village of Herkimer's application to the New York Main Street grant program.
- H. A letter dated July 11, 2024 from NYS DOT concerning the next quarterly reimbursements scheduled to be made on September 17, 2024.

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the routed material of the Proposed relicensing of the Herkimer Hydroelectric Project. Supervisor Frank stated this is from a new corporation who is interested in making the hydro plant operational.

CARRIED AYES ALL

**08) Resolutions.**

Supervisor Frank stated have three transfers for tonight.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file and approve all three transfers recommended by Supervisor Frank.

CARRIED AYES ALL

Resolution No. 26 of 2024- Attorney Bray stated this would allow us to move forward with the application process for the Parks and Recreation funding. Supervisor Frank stated when we were originally applying we were told we would come up 50% but after further research we have been told that because of our cost of living we would have to come up with 25%. Our grant writer thinks that we could use our investment that we've already put into the Town Park already towards our match but we are not sure on this yet. He stated we were quoted roughly \$900,000 to have the two ball fields redone at the Town Park. At the moment we do not have \$300,000 so we would need to barrow it. He stated based on our finances he would not recommend it. Supervisor Frank stated he would recommend if we cannot use the money we have already put into the park towards our portion owed, then we should only try for funding for one of the fields but if we are able to use the money we have already spent, then go for both. The board agreed.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 26 of 2024 to allow Supervisor or Deputy Supervisor to sign application to move forward with the Parks and Recreation funding.

CARRIED AYES ALL

Resolution No. 27 of 2024- Attorney Bray stated this had been passed before but since then we have been informed that the speed from what to what needs to be included. This resolution states the same request of a speed study to be done on Steuben Hill Road with the speed reduction request to go from 55 mph to 45 mph. We will need this as well as a form to be submitted to the Herkimer County Highway Superintendent. Clerk DeMetro will make sure the proper paperwork is sent to where it needs to be.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file and approve Resolution No. 27 of 2024.

CARRIED AYES ALL

Resolution No. 28 of 2024- Attorney Bray stated this resolution is for the Climate Smart Grant for East German Street Extension. Supervisor Frank stated with this grant you can request up to \$2 million with a 20% match or contribution. We have identified up to \$400 thousand in grant funding and in kind.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to authorize Supervisor Frank to sign the application for the Climate Smart Grant.

CARRIED AYES ALL

**09) Old Business.**

Water Districts: Highway Supt. Ward stated we will be reading by the end of the month and will try out our new reading equipment. The representative is coming at the end of the month to go over everything with us.

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 under the petitions and communications we reviewed the updates from Congresswoman Stefanik's office.

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

Codes: Supervisor Frank stated he has nothing new to report.

Piper Road: Supervisor Frank stated we have nothing new to report.

Landbank: Supervisor Stalteri stated work continues to be done at the trailer park.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated a while ago we sent the grant writer that we used for Piper Road, the work that Weston and Sampson did, will give us a proposal based on the survey results. He suggested that we have engineered plans so we would know how much it would cost and all the necessary information to apply for funding. He stated it makes sense to have better chances of getting a grant.

ARPA: Councilman Stalteri stated he wanted to say great job and leadership on the Town Park Celebration. Supervisor Frank said thank you and that it was a get success as we accomplished our goals. We had great feedback and a lot of attraction. Councilman Stalteri stated we had the conversation about putting an outlet on the light pole next to the fitness court but he can't recall what was decided. He will follow-up on this with the engineer as it is something that was be of great use. Supervisor Frank stated he received a message from one of the committee member volunteers asking for a wrap up meeting so he will do so in August. Councilman Stalteri stated we should see if any of the volunteers would like to continue meeting as a recreation committee that will also help getting grants.

Updating Zoning Ordinance/Map: Councilman Kast stated Codes Enforcer Collis and himself met to discuss the boundaries for the 41 parcels that have more than one zone on them. He stated based on the zoning maps they decided their first recommendation would be for these zones would split from 250 feet from the center of the road. Supervisor Frank thanked them and stated the Herkimer/Oneida Planning Board wants this definition so they can finish the map. Attorney Bray stated we need to look through our zoning ordinance the best way we can do this. Councilman Kast stated their second recommendation is for a setback highway right of way for all town roads be 25 feet to keep them all uniform. Clerk DeMetro stated we really need to get our Zoning Ordinance updated so we can have all the addition in one place making it more clearing and organized. The board agreed and Councilman Stalteri stated we should look for some grants. Supervisor Frank stated we had looked into this before and he will try to find his paperwork on it.

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

Signs entering Town: Tabled.

Charging Station for electronic cars: Nothing new.

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

Public Safety: Tabled.

Lien for work done to 936 Steuben Hill Road: Attorney Bray stated Codes Enforcer Collis asked for a bill of cost for what we paid to have this property cleaned up. He believes he is working with the seller to get this money back to the town as the house is being sold. He will follow-up on this. Friends of Historic Herkimer Donation Request: Tabled.

Town Park Celebration: Supervisor Frank stated we already talked about it.

202 Zoller Avenue: Highway Superintendent Ward stated this is sold for around \$700 pending the approval of the Town Board. He stated one of the neighbors was the highest bidder.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file and approve the sale of 202 Zoller Ave.

CARRIED AYES ALL

Farmer's Market: Councilman Stalteri stated we will move our Farmer's Market to the front of the building in hope to get more traffic.

#### 10) New Business.

Highway Supt. Ward stated he received quotes for a side by side as requested for the Town Park. He has three quotes and the lowest was from Zamboni's. He stated this quote was actually lower than the state contract price. He stated it is for a bench seat with a dump on the back. Councilman Kast stated we should get an extra row because it's standard for only \$1,200- \$1,500 more. Councilman Stalteri agreed stating it gives us more flexibility. The board agreed.

Motion by Councilman Kast, seconded by Councilman Stalteri to approve the purchase of the side by side from Zamboni's with the addition or a second row of seats to be charged to the park contractual.

CARRIED AYES ALL

Highway Supt. Ward stated he had seen a press release stating the Town of Herkimer received over \$800,000 for the Don Mitchell Bridge repairs needed. Supervisor Frank stated this is great news.

#### 11) Reports.

Proposed Agreement for Support of Municipal Pool Program. Supervisor Frank stated the Village is asking for \$9,000 instead of \$8,000 this year due to the increase of cost wages. The board agreed to this amount.

Motion by Councilman Stalteri, seconded by Councilman Carbone to allow Supervisor Frank sign the Proposed Agreement for Support of the Municipal Pool Program.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Minority Women Owned Business Enterprise Quarterly Report. Supervisor Frank stated this is for the McKennan Road Enhancement Project.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town Park Improvements Storm Water Inspection Report dated 6/12/24.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Town Park Improvements Storm Water Inspection Report dated 7/2/24.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Town Park Improvement Certificate of Substantial Completion dated 7/2/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Media Release of Fitness Court dated 7/3/2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Barton&Loguidice Town Park Improvements Final Punch List dated 7/3/24. Supervisor Frank stated this should generate a bill, then we will get a second bill when the lights are installed, and the third bill will be for the retainage after the final walk through.

CARRIED AYES ALL

Motion by Councilman Stalteri seconded by Councilman Kast to accept and place on file the Executive Agreement with Puresky Development Expenses dated 7/9/24.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Dog Control Report for April, 2024 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Dog Control Report for May, 2024 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Dog Control Report for June, 2024 from DCO Erica Dunton. Councilman Stalteri stated he will reach out to Miss Dunton as she needs to provide proof of insurance and sign an updated contract.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Cash Report for May, 2024 from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Stalteri seconded by Councilman Kast to accept and place on file the Town Justices Reports for June, 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 Emergency Orders dated 7/1, 7/5, 7/10, and 7/15 of 2024 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated July 15, 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated July 15, 2024.

CARRIED AYES AL

**11) Purchase Orders and Audit.**

There are no purchase orders for this meeting.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Audit dated July 15, 2024.

CARRIED AYES ALL

**12) Adjourn.**

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 Kast to close executive session with no decisions made.

CARRIED AYES AL

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, August 5, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk