

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, August 19, 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  
Deputy Supervisor-----Daniel Stalteri  
Councilman-----Randy Kast  
Councilman-----Vito Carbone  
Councilwoman-----Kathleen DeCarlo  
Highway Supt.-----Ken Ward  
Town Park Supervisor-----Kathi Nasypany

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

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 August 5, 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.  
Kevin LaQuay of 1080 Steuben Hill Road of Herkimer stated he is here to see if there any updates on the water project? Supervisor Frank stated we are trying to get the permits done. There has been communication between the DOH and our engineer, working on answering questions in regards to the water tower. We are trying to answer all of their questions for the final permit. He stated there are two funding components for this project, a grant for about \$1,000,000 and a loan for around \$600,000, and we needed to extend our parameters for the money. Mr. LaQuay also stated McKennan Road looks good. Highway Supt. Ward thanked him.

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

CARRIED AYES ALL

06) **Petitions and Communications.**  
Motion by Councilman Carbone, seconded by Councilman Stalteri, to accept and place on file all the petition and communication 6A through J listed below.

- A. A letter dated July 16, 2024 from Herkimer County Treasurer, Kimberlee Enea, concerning the Herkimer County Sales Tax Apportionment Summary for 2024 2<sup>nd</sup> Quarter based of the 2023 Tax Roll.  
Supervisor stated this is good news relative to the second quarterly payment for sales tax.
- B. An email received July 28, 2024 from grant writer, Jennifer Hartsig, concerning the NYS Consolidated Financial Application 2024 Grants.  
Supervisor Frank stated this is an email from our grant writer explaining the applications.
- C. A letter dated July 29, 2024 from NYS Homes and Community Renewal Commissioner, RuthAnne Visnauskas, concerning the Town of Herkimer being certified as a Pro-Housing Community.  
Supervisor Frank stated we got our official certificate as a pro-housing community.
- D. A letter dated July 31, 2024 from The Association of Towns of the State of New York concerning the Town’s dues for the year of 2025.

- E. A letter dated July, 2024 from Excellus BlueCross Blueshield SVP Segment Strategy and Performance, Todd Muscatello, concerning a proposed rate change.  
Supervisor Frank stated we are getting into budget season.
  - F. A letter dated August 2, 2024 from the Oneida-Herkimer Solid Waste Authority Executive Director, Joshua Olbrys, concerning the Regional Demolition Program.
  - G. A letter dated August 2, 2024 from Trucking Association of New York President, Kendra Hems, NYS Automobile Dealers Association President, Bob Vancavage, concerning the aggressive mandates set under the Advanced Clean Truck rule.
  - H. An email received August 14, 2024 from CVCSD Director of Athletics, Jim Mott, concerning use of the Town Park Tennis courts.
  - I. A letter dated August 15, 2024 from Herkimer County Personnel Officer, Steven Billings, concerning the 2025 Workers' Compensation Budget Figures.
  - J. An emailed received August 19, 2024 from Herkimer Central School District Athletic Director, Cristi Paragi, seeking approval for the Herkimer Central School District to use the tennis courts throughout the Fall 2024 tennis season.
- Councilman Stalteri stated we have received requests from Herkimer High School and CVA for the use of our tennis courts. We will need to post the schedules and will need a copy of their insurance. Town Park Supervisor Naspany stated will post the schedule and stated they will start practices on Tuesday. Supervisor Frank stated he is concerned about it affecting the pickle ball users. Councilwoman DeCarlo stated she will let the pickle ball users aware of the schedule.

Motion by Councilman Stalteri, seconded Councilman Kast to approve these request pending the schedules with causing non conflicts and receiving the insurance.

CARRIED AYES ALL

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the routed material of the NYMIR 2023 Annual Report.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the routed material of the NYS Consolidated Financial Application for the remediation of the West Canada Creek East German Street Extension.  
Supervisor Frank stated the idea of this grant is use our FEMA grant as our local match.

CARRIED AYES ALL

**08) Resolutions.**

Supervisor Frank stated we have three transfers; one of the purchase of the side by side, one for celebration costs, and one for law contractual for the BANS.

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 32 of 2024 to clarify the boundaries of the Town of Herkimer Zoning Map of the 41 parcels that have more than one zone that it be the first zoning will be 250' from the center of the road and the rest of the parcel will be the other zone.

CARRIED AYES ALL

**09) Old Business.**

Water Districts: Highway Supt. Ward stated we had fixed the two water breaks; one at the pump station on McKennan Road that has been fixed by the owner behind 936 Steuben Hill Road. He stated we read meters last week with the new meter reader. The new software seems to be working well so far. Councilman Stalteri stated we should ask the Village for forgiveness of the water lost from the pump station repair. Supervisor Frank stated he will try.

McKannan Road Enhancement Project: Supervisor Frank stated we already to discuss this.

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

East Herkimer Sewer District: Supervisor Frank stated Senator Schumer sent an email indicating federal discretionary funding project have been approved by the Senate so he will call and ask if we got it or not. We may need to get an easement from route 5 to our pump for this.

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

Codes: Nothing new to report.

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

Landbank: Councilman Stalteri stated they are working on it.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Deputy Supervisor Stalteri stated we had the fire alarm go off at the old school. The East Herkimer Volunteer Fire Department was very responsive and walked through the building with no issues found so it was determined to be a faulty alarm. He was able to get in touch with the alarm company and get that zone turned off. Supervisor Frank stated the cameras at the Town Park and pavilion we damaged through lightning that fried the system. Our IT guy is working to get us an estimate of repairs to submit to our insurance. Town Park Supervisor Naspany stated there was vandalism done to the locks. It looks as if there was something pried and melted inside. Since the cameras were out, we were unable to see who did the vandalism. Councilman Stalteri stated we are trying to get the three-foot-tall gate back. Councilman Stalteri stated he noticed some of the pads are coming up on the fitness court studio pad so we will need to make a call about this. Supervisor Frank stated we need to be able to clean it properly as well, so we will need to ask about this as well. Councilman Stalteri stated he would like to note that there was a basketball tournament at the Town Park on Saturday and it was nice to see.

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

Herkimer County Mitigation Plan: Supervisor Frank stated he will try to reach out to the new director of 911 to see what the status is on this plan.

Signs entering Town: Tabled.

Charging Station for electronic cars: Highway Supt. Ward stated we are still waiting on National Grid. Supervisor Frank stated the company emailed him asking for the bank account number to be able to deposit the money we make. He will start a new bank account for this.

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

Public Safety: Supervisor Frank stated he has nothing new to report.

Farmer's Market: Town Park Supervisor Naspany stated the Farmer's Market is going fine. As of today we have four vendors. She stated people are coming and shopping so it's going good. She stated she is not sure what to do about the weeds around of fitness court because it is very difficult with the rocks. There is not linens down put down and it needs mulch. Highway Supt. Ward stated he will take care of it.

**10) New Business.**

Highway Supt. Ward stated McKennan Road has been paved and the stone and oil project is done as well.

Supervisor Frank stated we are starting to work on 2025 Budget so department heads will get notifications to start budget preparations.

Highway Supt. Ward stated the delivery date for the new highway truck have been pushed back till October and depending on when it comes will have to see how to budget it, whether it be for this year or next.

**11) Reports.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the 2024 NYS CFA Completed & Submitted for the Park Softball Field Reconstruction.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Real Estate Auction Contract of Sale & Receipt of Deposit- 202 Zoller Ave.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Final Stormwater Report for Town Park Improvements.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Notice of Termination for Storm Water Discharges of Town Park Improvements.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Town of Herkimer Cash Report for June, 2024.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Town of Herkimer Sales Tax Report.  
Supervisor Frank stated we should easily make budget for 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Executed Agreement for Support of Municipal Pool Program for 2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the PureSky SEQR Lead Agency Coordination Notice dated 7/19/24.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated 8/9, 8/14, and 8/19 of 2024 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated August 18, 2024.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated August 18, 2024.

CARRIED AYES ALL

**11) Purchase Orders and Audit.**

There are two purchase orders for this meeting; both from the Town Justices to attend New York State Magistrates Association Annual Conference. Supervisor Frank stated they are well within their contractual.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve both purchase orders to allow Justice Manne and Justice Petucci to attend the NYSMA Annual Conference.

CARRIED AYES ALL

Supervisor Frank stated Bookkeeper Viscomi did the audit yesterday and we have some additional bills that we can add in if the board chooses.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Audit dated August 18, 2024 with the additional bills to be added as well.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to go into executive session to discuss a personnel matter.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri close executive session with no decisions made.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilman Kast, seconded by Councilwoman DeCarlo that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Tuesday, September 3, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk