

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, October 7, 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
	Attorney-----	Christopher Bray
	Codes Enforcer-----	Ken Collis
Excused:	Deputy Attorney-----	Kyle Crandall
	Dog Control Officer-----	Erica Dunton
	Town Park Supervisor-----	Kathi Nasypany

Students Present: Kavonna White of 418 N. Washington Street, Claire Keady-Dooley of 540 Francis Street, Ava Oxencline of 506 East German Street, Bianco Barreto of 335 Eureka Avenue, Jillian Hutchinson of 331 Gray Street, Morgan Knight of 546 Lake Street and Fauziato Ibrahim of 807 Bellinger Avenue.

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

Councilman Kast led us in the Pledge of Allegiance to the Flag.

Supervisor Frank stated he would like everyone to take a moment of silence for former Town Supervisor, Patrick Bennisson who served the Town of Herkimer for many years.

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 September 16, 2024 as written.

CARRIED AYES ALL

05) **Public Hearing.**

Supervisor Frank stated he would like to open the public hearing for Local Law No. 3 of 2024. He stated this is done annually as a formality in case we need to override the tax cap. No one from the public wished to speak.

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to close the public hearing for Local Law No. 3 of 2024.

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. No one from the public wished to speak but there were Herkimer High School Students in attendance.

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 Stalteri, to accept and place on file all the petition and communication A through P listed below.

- A. Letters dated March 2, 2019, May 28, 2019 and January 26, 2022 from the U.S. Department of the Interior Fish and Wildlife Service Field Supervisor, David Stilwell, concerning the Herkimer Hydroelectric Project.

- B. A letter dated September 16, 2024 from NSDOT Regional Planning and Program Manager, Deborah Windecker, concerning the initial project proposal for the rehabilitation of the Shells Bush Road bridge.
  - C. A letter dated September 16, 2024 from Supervisor Frank to the NYSDOT of the Mohawk Valley Region, Jonathon Tibbits, to request a traffic study on Broat Road.
  - D. A letter dated September 17, 2024 from Charter Communications Sr. Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.
  - E. A letter dated September 18, 2024 from the Herkimer County Land Bank Executive Director, Michael Edwards, concerning meeting to discuss more details about the Land Bank. Supervisor Frank stated that he reached out to Michael Edwards and he will be coming in.
  - F. A letter dated September 18, 2024 from NYSDOT Regional Traffic Engineer, Michael Gallerani, concerning the authorization of the speed limit being reduced from 55 mph to 45 mph on Steuben Hill Road. Supervisor Frank stated that the state is going to reduce the speed limit on Steuben Hill Road. Clerk DeMetro will send a letter to the residents letting them know so.
  - G. A Certificate of Liability Insurance dated September 19, 2024 for Morton Buildings, Inc. effective 10/1/2024 through 10/1/25.
  - H. A letter dated September 20, 2024 from Barton&Loguidice Vice President, Matthew Fuller, concerning the Town Park Bathroom ADA Renovations Project. A proposal was made by the Town Board to put together a plan to make our current bathrooms at the Town Park more handicap accessible. This proposal can be used for bidding of grants.
- Councilman Stateri, seconded by Councilwoman DeCarlo to give Supervisor Frank the authority to sign the proposal.

CARRIED AYES ALL

- I. An email received September 25, 2024 from Herkimer-Oneida Counties Comprehensive Planning Program Senior Analyst, Jenna Webb, concerning the updated Town of Herkimer Zoning Map.
- J. A letter dated September 27, 2024 from NYSDOT Local Project Coordinator, Joseph Kaczor, concerning the agreement for the Osborne Hill Road Culvert funding.
- K. A letter dated September 30, 2024 from NYSDOT Regional Traffic Engineer, Michael Gallerani, concerning the initiated study to investigate the speed limit on Broat Road.
- L. A letter dated October 1, 2024 from Peter Blanchfield of Stone Ridge Hydro concerning the Herkimer Hydroelectric Project and a request for a meeting to discuss the Erosion Mitigation and Abatement.
- M. A letter dated October 1, 2024 from the NYSDOT Project Coordinator, Ashton Cady, concerning the agreement for funding of the bridge rehab for Shells Bush Road over the West Canada Creek.
- N. A letter dated October 3, 2024 from NYSDEC Environmental Analyst, Kristina Markey, concerning the Lead Agency Determination for Route 5 Sand and Gravel LLC.
- O. A letter dated October 3, 2024 from NYS Ag. and Markets Animal Health Inspector, Makayla Kemmeren, concerning the Municipal Shelter Inspection Report dated 10/1/2024 rated Satisfactory. A State Environmental Quality Review needed for the gravel pit on Route 5 in the Town of Herkimer.
- P. A letter dated October 7, 2024 from Supervisor Frank, to Krystal Moore, concerning her appointment as Deputy Town Clerk.

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Stateri, seconded by Councilman Carbone to accept and place on file the Herkimer County Soil and Water Fall 2024 Newsletter.

CARRIED AYES ALL

**08) Resolutions.**

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 35 of 2024 to adopt Local Law No. 3 of 2024 to override the tax cap.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 36 of 2024 for funding of the bridge at Shells Bush Road. Attorney Bray stated that funding for the bridge at Shells Bush Road would be fronted by the Town of Herkimer and then the Town would have to submit for reimbursement. The local contribution would be for 5% and we would get reimbursed for the rest. Supervisor Frank stated we will have to bond for the money and then wait for the reimbursement.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve Resolution No. 37 of 2024 for funding of the culvert on Osborne Hill Road. Attorney Bray stated we do not have to upfront the money for this one. The DOT will seek the funding directly on our behalf. This is 100% funded but if the cost is above what we were granted, the Town will be responsible for any overage.

CARRIED AYES ALL

Transfers: Supervisor Frank stated we have two transfers; 1. Is to offset the cost of the side-by-side. 2. Is from the water fund to move from personnel to contractual to cover the expenses.

Motion by Councilman Kast, seconded by Councilman Stalteri, to accept, place on file and approve both transfers suggested by Supervisor Frank.

CARRIED AYES ALL

**09) Old Business.**

Water Districts: Highway Supt. Ward stated we will start hydrant flushing tonight at 9:00 PM. He also stated we has a lead service line reports for East Herkimer, Valley Commons and McKennan Water Districts. He stated they said we could omit the West Herkimer Water District. Supervisor Frank stated Highway Supt. Ward did all of the work for this and you will see the summaries under reports. If they are all good with the board then Supervisor Frank will submit them.

McKenna 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 report you will see we are contracting with Emrich Surveying to do the surveying of the Valley Commons pump station and the surrounding area for it to be turned over to the Town. He will be there Thursday to get this done for us as we need this done in a timely manner.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated he has nothing new to report

Codes: Codes Enforcer Collis stated he has nothing new to report.

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

Landbank: Councilman Stalteri stated last week Councilwoman DeCarlo and himself had a tour of the trailer park and we now have a better understanding of where the project is. The developer hopes to have people in the houses by the end of the year. Supervisor Frank stated he would like to note that they still have unpaid water bills.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated Councilman Stalteri and himself met with the Community Foundation to discuss the fitness court as they are interested installing something similar in Utica. We explained our vision and what we have already done.

Updating Zoning Ordinance/Map: Supervisor Frank stated the Herkimer/Oneida Planning Board emailed us a note late in September with four questions that need to be answered before we can get our map. He has the board if they would like to discuss these questions now so we can get this done? Councilman Kast stated he would like to look over the map and is willing to meet with Codes Enforcer Collis to get these questions answered this week. Codes Enforcer Collis agreed.

202 Zoller Ave.: Councilman Kast asked the status of this fore the buyer has reached out to him? Attorney Bray stated we can go ahead and close now that the permissive referendum is done. He will take care of this, this week.

Signs entering Town: Tabled.

Charging Station for electronic cars: Highway Supt. Ward stated he has not heard anything.

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

Public Safety: Tabled.

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

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the 2025 Tentative Budget. Supervisor Frank stated by law we have to have this to the Town Clerk on time and as you will see is indicated with a stamped date and signature of such. He stated we will need to meet with the department heads by the end of the month to discuss the preliminary budget.

CARRIED AYES ALL

The board will hold a workshop budget meeting on Monday, October 14, 2024 at 3:00PM.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the letters inviting the residents to the West Canada Creek Hydro Dam Meeting whose property has been effected. Supervisor Frank stated the developer who is seeking a license for the hydro dam will be holding the meeting.

CARRIED AYES ALL

#### 11) **Reports.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Contract with Emrich for the surveying services of the Valley Commons pump station and surrounding area.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Wladis Law Firm bill for Puresky Energy. Supervisor Frank stated we need to approve the this before payment can be made.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town Park Committee Meeting Minutes dated 9/19/24.

CARRIED AYES ALL

Supervisor Frank stated at the final meeting of the celebration committee he spoke to them to see if anyone was interested in an advisory committee for the Town Park. Casey DeCarlo, Shannon Costello and Sarah Wood agreed to be on the committee. One thing that was suggested was having Facebook page for announcements we want to put out only for the Town Park. Shannon Costello is willing to do this for us. He also stated we need to promote the fitness court. The Fitness campaign and MVP Health are willing to help promote it as well.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the NYS Homeland Security & Emergency Service Quarterly Progress Report.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Summary of the Lead Service inventory for Valley commons, East Herkimer and McKennan Water Districts. Supervisor Frank thanked Highway Supt. Ward for his hard work on this.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Fiscal Stress Monitoring System for 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Herkimer County Approved Hazard Mitigation Plan for 2024.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the the Town Justices Reports for September, 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 Renewal State of Emergency Declaration dated 9/23/24 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Orders dated 9/18, 9/23, 9/28 and 10/3 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 October 4, 2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated October 4, 2024.

CARRIED AYES ALL

**11) Purchase Orders and Audit.**

There are four purchase orders for this meeting.

- 1. Materials for Town Park Storage Building.
- 2. 2-insulated overhead doors for storage building.
- 3. Buzzer for Main door entrance of Office Building.
- 4. Buzzer for Court door entrance.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept, place on file and approve the Purchase Order for the Materials needed to build the Town Park Storage Building.

Supervisor Frank stated BOCES will assemble this for us. Attached are three quotes but per recommendation of the contractor he would like us to award Ilion Lumber with the bid.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the Purchase Order for the 2-insulated overhead doors for the Town Park Storage Building.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file and approve the Purchase Order to the Buzzer of the Main door of the Office Building.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file and approve the Purchase Order for the Buzzer if the Court door entrance. Supervisor Frank would like to point out that due to the low cost three quotes were not required.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilman Kast, 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, October 21, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk