

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, October 21, 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
Excused:	Codes Enforcer-----	Ken Collis
	Deputy Attorney-----	Kyle Crandall
	Dog Control Officer-----	Erica Dunton
	Town Park Supervisor-----	Kathi Nasypany

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 Councilwoman DeCarlo, seconded by Councilman Carbone, to accept and place on file the minutes of the previous regular meeting held on October 7, 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 Steuben Hill Road stated he is wondering if there were any updates on the water project? Supervisor Frank stated he believes how we left it last time was for Mr. LaQuay to canvas the neighbors about being able to tap-in to the pump that is located on his property. He also stated there has been conversation back and forth between our engineer and the regulatory bodies with questions being answered. Due to this taking longer than expected, this project probably won't go out to bid till next early year.

Heather Devitt of 401 Bellingger Ave. stated she recently met with Supervisor Frank and Councilman Stalteri recently to discuss the Restore NY grant opportunity through NYS that only municipalities can apply for. She stated one of the questions they had was if there would be any liability to the municipality and the answer is no. She stated Mr. Flansburg is looking to do this for the Oaukenbush property. He would like to demo two of the properties with a cost estimate of \$400,000. She stated the letter of intent is due Wednesday and this is to get an overview of the project before applying. She also stated that this grant would not hold up the town from applying for other grants. Councilman Stalteri asked if there was a local match percentage required? Ms. Devitt replied stating there is a 10% local match that Scott Flansburg would be responsible for. She also stated Mr. Flansburg would be responsible for fronting all of the money and then the invoices would come to the town for reimbursement. Supervisor Frank asked who will do the administrative work for this? Ms. Devitt responded stating she will do all of the administrative work for the town to submit. Supervisor Frank asked if the purchasing procedures would adhere to the state requirements? Ms. Devitt replied stating no, because Mr. Flansburg is a privately owned resident. Supervisor Frank asked about prevailing wages? Ms. Devitt stated prevailing wages only apply to construction and for this project there would only be demolition so it would not apply. Supervisor Frank stated we would need a commitment or requirement stating that Mr. Flansburg is responsible for all costs. Ms. Devitt stated yes, we would get something from the bank stating the funds are available and secured for this project. Councilman Carbone asked if any permits would be required from us? Ms. Devitt responded stating permits would be required from the Village as it is within their jurisdiction. Councilman Stalteri asked about the \$2 million cap for this grant? Ms. Devitt replied stating you can apply up for \$2 million but we are only asking for up to \$400,000.

Supervisor Frank asked if the letter of intent would bind the Town to anything? Ms. Devitt stated there would be no liability to the Town. Councilman Carbone asked if there are any hazard materials within the buildings proposed to be demolished. Ms. Devitt replied stating Phase 1 and 2 have already been done. Mr. Flansburg stated he has a team to remediate this project. His goal is to turn this into a STEM learning system for kids. Attorney Bray stated we would need an agreement between the Town and the LLC as proof of the 10% match. Supervisor Frank asked them why they are coming to the Town and not the Village? Mr. Flansburg replied stating the Village claims they are applying to this grant for the Masonic. He also stated they had difficulties working with the village in the past.

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

- A. A letter dated October 7, 2024 from Greater Mohawk Valley Land Bank Corp. Executive Director, Tolga Morawski, concerning the status on 2020 Main Road. Supervisor Frank stated we have another tour of the Mohawk Valley’s Landbank project in East Herkimer for those who were unable to attend last time.
- B. A letter dated October 8, 2024 from NYS Ag. and Markets Animal Health Inspector, Makayla Kemmeren, concerning the Dog Control Officer Inspection Report rated “Satisfactory” on 10/2/2024.
- C. A letter dated October 8, 2024 from Charter Communication Sr. Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.
- D. An invitation received October 11, 2024 from Foltsbrook Center Director of Social Services, Megan Nadeau, to an Open House on 11/13/2024 from 3-6:00 PM.
- E. A letter dated October 11, 2024 from NYSDEC Water Assessment and Implementation Section Chief, Lauren Townley, acknowledging the submission of our 2024 CFA for the Water Quality Improvement Project Program. Supervisor Frank stated this is actually a rejection letter as we were denied one of our applications for CFA of East German Street Extension.
- F. A letter dated October 17, 2024 from The Association of Towns Executive Director, Christopher A. Koetzle, concerning the 2025 Training School and Annual Meeting. Supervisor Frank stated the AOT will be holding its annual meeting and conference for next year and we will need to designate a delegate and an alternate.
- G. A letter dated October 15, 2024 from Herkimer County Treasurer, Kimberlee Enea, concerning the Herkimer County Sales Tax Apportionment Summary for the 3<sup>rd</sup> Quarter of 2024 based on the 2023 Tax Roll.

CARRIED AYES ALL

**07) Routing.**

**08) Resolutions.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 38 of 2024 to schedule a public hearing for the 2025 Preliminary Budget at 6:05 PM on November 4, 2024.

CARRIED AYES ALL

Budget Amendment: Supervisor Frank stated this is an escrow account for the money brought in for the solar project on Edgar Street. This account is for the money brought in by the developer to cover the cost of our consultant and engineering fees for this project.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve the budget amendment suggested by Supervisor Frank.

CARRIED AYES ALL

Transfer: Supervisor Frank stated this is from the Supervisors personnel account to its contractual account to cover the costs of the extra cameras for the town park.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the transfer suggested by Supervisor Frank.

CARRIED AYES ALL

**09) Old Business.**

Water Districts: Highway Supt. Ward stated we will be reading meters next week and that the hydrant flushing is done.

Mckennan Road Enhancement Project: Supervisor Frank stated as previously discussed there has been back and forth with the regulatory bodies and he is optimistic to get this out to bid.

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

East Herkimer Sewer District: Supervisor Frank stated the surveyor has surveyed. Attorney Bray stated now we have to figure out the access to the pump either from Lowe’s driveway or from Route 5.

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

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

Piper Road: Tabled.

Landbank: Supervisor Frank stated there will be another tour and then we will meet to discuss the late water bills.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated we are working with Verizon to identify the proper transmitter to connect the cameras at the park to the ones at the building so we can see them both at the same time. We are waiting on a price for this.

Town Park: Highway Supt. Ward stated he took down the windscreen and fixed the dog station as we are getting ready for winter. He stated the water is still on and he will keep it on till it gets colder. Councilman Stalteri stated he will reach out to BOCES to get an update on the storage building. Supervisor Frank stated he is waiting on pricing for the plaque for the rock at the town park. Councilman Stalteri stated he also found signs that he feels should be posted around the town park regarding what is and is not allowed. He stated the cost is roughly \$400 for all of the signs.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to approve the purchase of signs for the Town Park by Councilman Stalteri.

CARRIED AYES ALL

Updating Zoning Ordinance/Map: Supervisor Frank stated Councilman Kast and Codes Enforcer Collis got together and answered the questions. Supervisor Frank sent them the responses today so we will wait for their response.

Signs entering Town: Tabled.

Charging Station for electronic cars: Supervisor Frank stated he has nothing new to report.

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

Public Safety: Tabled.

**10) New Business.**

Town Park Rules and Regulations: Supervisor Frank asked the board to review the town park rules and regulations so we can get these up-to-date and posted properly.

BridgesNY: Supervisor Frank stated we received the notice of approval so now will need assistance in writing the RFQ’s for someone who is qualified to do the work for the Shells Bush Road Bridge repairs. Supervisor Frank stated for the culvert repairs is states the DOT me be contracted for engineering and maintenance or the project.

**11) Reports.**

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file Sales Tax Report from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Executed Agreement with Barton&Loguidice for Town Park Bathroom Renovations.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Planning Board Report & Recommendation regarding ASD Folts NY Solar Application.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Mckennan Road Enhancement Project MWB Report for the 4<sup>th</sup> Quarter of 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Northern Boarder Commission Federal Financial Report dated 10/8/2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Bank Northern Border Regional Commission Performance Progress Report dated 10/11/2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the MV Land Bank Draft Rules and Regulations for the trailer park. Supervisor Frank stated the Mohawk Valley Landbank wanted us to be aware of the rules and regulations they will be enforcing and asked if we would review them with comments. He stated we will go of these with Tolga when he comes in to discuss the late water bills.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the MV Land Bank Application Form for 220 Main Rod Modular Home Park.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated 10/8, 10/13 and 10/18 of 2024 for East German St. Ext.

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 Kast, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated October 20, 2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated October 20, 2024.

CARRIED AYES ALL

Supervisor Frank stated he would like to report the status of the tax cap and we are currently under right now. He will further review this as he is trying to figure out the PILOTS for next year.

Clerk DeMetro stated she would like to formally remove Marissa Farber from the Town Clerk Bank account at Adirondack Bank and add Krystal Moore to the account.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the removal of Marissa Farber from the Town Clerks bank account at Adirondack Bank and to add Krystal Moore to the account. Councilman Carbone recused himself from the vote.

CARRIED AYES ALL

Supervisor Frank asked the board what they would like to do about the RestoreNY request for a letter of intent? Councilman Stalteri stated based on the information we have, he would be in favor of the letter of intent as there is no binding to the Town of Herkimer. The board agreed.

Motion by Councilman Stalteri, seconded by Councilman Kast to authorize Supervisor Frank to sign the letter of intent for the RestoreNY grant.

CARRIED AYES ALL

**11) Purchase Orders and Audit.**

There are no orders for this meeting.

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept, place on file and approve the Audit dated October 21, 2024. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

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

CARRIES AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to close executive session with no decisions made.

CARRIES AYES ALL

Motion by Councilman Kast, second by Councilman Stalteri to amend the town handbook as follows:

For all elected officials elected after 7/1/02 and Town Board appointees appointed to an elected position after 7/1/02 the Town will pay 90% of the Health Insurance Premium they have selected to start no earlier than the date the official takes office.

For all employees of the Town (excluding those employees who are elected officials or hold elected positions) the Town will pay 70% Health Insurance Premium they have selected to start on the date of hire.

Attorney Bray will provide a resolution stating such.

AYES: Supervisor Frank, Councilman Stalteri, Councilman Kast and Councilman Carbone

NAYS: None

Recuse: Councilwoman DeCarlo

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, November 4, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk