

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, November 4, 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
Town Park Supervisor-----	Kathi Nasypany

Excused:

Deputy Attorney-----	Kyle Crandall
Dog Control Officer-----	Erica Dunton

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 October 21, 2024 as written.

CARRIED AYES ALL

05) **Public Hearing.**
Supervisor Frank stated he would like to open the Public Hearing for the 2025 Preliminary Budget. He read the notice out loud and asked if anyone from the public would like to speak relative to the 2025 Preliminary Budget. With no one coming forward to speak relative to the 2025 Budget, Supervisor asked for a motion to close the public hearing.

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

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.

Joe Roy of 310 Palisades Street stated he was here about a month ago regarding the concerns for trucks and traffic on his road. Roy stated that the trucks have been better but are still coming through. He asked if they were going to be putting up signs for the trucks and the traffic from the ELG campus. Highway Superintendent Ward stated that they will be putting up stop signs at the intersection but they cannot put up no trucks signs. Supervisor Frank asked how has traffic been from the campus? Mr. Roy replied stating he has not seen any traffic from the campus come through. Supervisor Frank stated that he reached out to the campus last time Mr. Roy was here to and they discussed their plans to put in security stations to better control the access to the road and that he will keep the conversations going. Mr. Roy stated that he spoke with neighbors and they were not in favor of the stop signs but they are not here. Councilman Stalteri stated since you are the one here do you want the stop signs? Mr. Roy replied stating that he does not think that the stop signs would help. Councilman Stalteri stated that the stop signs would help impact the speed to and from the factory. Supervisor Frank asked do you want us to hold on the stop signs being put up until you can speak with neighbors more. Mr. Roy answered yes, I will talk with neighbors and be back for the next meeting in two-weeks.

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

CARRIED AYES ALL

07) Petitions and Communications.

Motion by Councilman Stateri, seconded by Councilman DeCarlo, to accept and place on file all the petition and communication A through E listed below.

- A. A letter dated April 29 2024 from Supervisor Frank to the Mitigation Section Review Team for NYS Division of Homeland Security & Emergency Services concerning our application for FEMA to address the West Canada Creek erosion and flooding problems along East German Street Extension.
- B. An email dated October 29, 2024 from formrouter@esd.ny.gov to Supervisor Frank regarding being eligible to apply to Restore NY.
- C. A letter dated October 29, 2024 from Supervisor Frank to Donald Weaver regarding his employment starting November 11, 2024 as a seasonal employee for the Town of Herkimer Highway Department.
- D. A letter dated October 31, 2024 from the Charter Communications Sr. Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.
- E. A letter dated November 1, 2024 from the Town of Herkimer Flood Plan Manager, Kenneth Collis, to the Mitigation Section Review Team concerning flooding and erosion issues caused by the West Canada Creek in the surrounding area of East German Street Extension.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Motion by Councilman Carbone, seconded by Councilman Stateri to accept, place on file and approve Resolution No. 40 of 2024- Water & Sewer delinquent accounts.

Supervisor Frank stated this is a little less than normal and as per we do annually, we pass this to put the delinquent water and sewer bills on their town and county tax bill.

CARRIED AYES ALL

Attorney Bray stated that the Quackenbush Project is eligible to apply for Restore NY, the next step is to hold a public hearing and this Resolution allows the board to set a public hearing.

Motion by Councilman Stateri, seconded by Councilman Carbone to accept, place on file, and approve Resolution No. 41 to schedule a public hearing for the Quackenbush Campus, Restore NY communities' initiative.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file, and approve Resolution No. 42 to schedule a public hearing to consider the ASD Folts NY Solar 1, LLC Solar Project.

Supervisor Frank stated that our planning board and consultant attorney have been working with the developer. They have not heard anything from the consultant engineer and have reached out to him several times with no response, he is hoping to have all comments before this public hearing.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilman Carbone to accept, place on file and approve the Preliminary Budget 2025.

Supervisor Frank stated that we are under the tax cap and we are using more fund balance than in the past. We are looking to get a new truck for the highway department, a new mower for the Town Park, and any necessary funding needed for the NY Bridges grant. We increased the bridge contractual and our assessment has gone down by \$3.4 million.

Councilman Stateri thanked Supervisor Frank for his hard work on the budget.

CARRIED AYES ALL

09) Old Business.

Water Districts: Highway Supt. Ward stated we read meters last week, everything went well. Water Clerk Rivers did the water bills and everything looks normal.

McKenna Road Enhancement Project: Supervisor Frank stated the consultant engineer is optimistic that they have answered all the questions and that the DOH will be getting us a permit so we can move forward soon.

West Herkimer Water: Supervisor Frank stated he received a call from the Town of Schuyler Supervisor stating he has heard the water authority would not be moving forward with the proposed project. He stated he put a call into our consultant to find more information as we have not been formally told of such here. Supervisor Frank has not heard this information from any other officials, we will be looking at if it is cost efficient to run lines from the Village of Herkimer if the project is not going to go through.

East Herkimer Sewer District: Attorney Bray stated he reached out and has not heard anything yet. He stated we are waiting on their approval of the survey so we can proceed with the purchase of this property needed of the pump station. The surveyor stated we can access the parcel from the Route 5, therefore we would not need to access the parcel from the Lowes private drive as this was a concern of the owner. Highway Supt. Ward stated we would need to get a permit from the State to get access from the highway, we should not have to access the parcel often but we would have to own the property first which is approximately .55 acres.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated he has been back and forth with the Homeland Security on funds to more ahead on that project. We have given them everything that they need.

Codes: Codes Enforcer Collis stated we have had some permits go out; a single family dwelling, septic, solar on residential roof, and the new athletic complex on Gros Boulevard. He stated they have already started some of the excavation for the athletic complex. Councilman Stalteri asked if there should be a traffic study done because of the increase of traffic. Supervisor Frank stated this area is zoned for commercial use. Highway Supt. Ward stated he doesn't think it will cause any more traffic than a football game draws in for the school. Codes Enforcer Collis stated he will address with.

Landbank: Councilmen Stalteri asked if Councilmen Kast and Councilmen Carbone did their walk through with Tolga? Councilmen Kast stated we had our walk through and they showed us around the facility. Codes Enforcer Collis asked if they had a timeframe? Councilmen Kast replied no. Councilmen Carbone stated that Tolga said they were waiting on materials. Councilmen Stalteri stated that the ball is in Tolga's court, they mentioned they would be doing a presentation with the board and they emailed some rules over which he was very impressed with how in depth the rules were.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Councilmen Stalteri stated he went up a couple weeks ago and went tile by tile to see how many were lifting up. The contractors came last Thursday and re-glued quite a few of them. We have all the materials for the shed to be built we are just waiting on the BOCES students; he will be reaching out to BOCES. Town Park Supervisor Nasypany stated she had another rental, all went well and that she cut back the flowers. Supervisor Frank stated that we need to set a time for a meeting with Councilmen Stalteri and Town Park Supervisor Nasypany. He has a meeting with NYSERFA, a development agency for energy efficient lighting on Wednesday at 11:00 AM. They offer a community solar to municipalities and will enroll us in NYS clean energy to show that communities are benefiting. If we sign on the lighting districts and buildings in the town could have their energy bills reduced and it would allow more access to grants through NYS.

Updating Zoning Ordinance/Map: Supervisor Frank stated it is in the works, they should be sending a draft of the map soon.

202 Zoller Ave: Attorney Bray stated that he reached out to the owner but he had he wrong phone number and will follow up now that he has the correct number.

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.

AOT Delegate: Supervisor Frank stated that we need a delegate for the associations of towns.

10) New Business.

Herkimer County Humane Society proposed contract 2025: Attorney Bray suggested that the board go into executive session to discuss the contract due to the Humane Society changing with the contract because of inflation and the Ag and Markets law. Our Dog Control Officer had some comments regarding the contract.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file 2025 Tax Cap Report.

Supervisor Frank stated that we are under the tax cap and that we did file the tax report before the budget was approved.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the East Herkimer Fire District 2025 Budget Summary.

Supervisor Frank stated this is quite an increase from previous years. It looks like they will be buying equipment.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Signed Restore New York Intent to Apply for the project at the Quackenbush Property.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the DCO Reports for August, September, and October of 2024 from DCO Dutton.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the FCM Engineering Report dated October 26, 2024 concerning the Bridge NY 2023 Program.

Supervisor Frank stated that this is a consultant service to help us get through the bidding process for this project and it requires a review committee to work with the consultants for RFQ's and to review to review qualifications to pick the right person. We need 2 or 3 people to be on the review committee, this will be a workshop committee. Councilmen Stalteri, Councilmen Kast, Councilwoman DeCarlo and Highway Superintendent Ward all volunteered to be on the review committee.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders dated 10/23, 10/28 and 11/2 of 2024 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Declaration dated November 1, 2024 for East German St. Ext.

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 Revenue and Expense Report dated November 1, 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated November 1, 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Wladis Law Firm Bill.

Supervisor Frank stated this is to replenish the escrow account for the proposed Solar Project on Edgar Street.

CARRIED AYES ALL

11) Purchase Orders and Audit.

There is one purchase order for this meeting from Highway Superintendent Ward to purchase a new salt truck. He stated he received three quotes, two of the salt truck quotes are available now for purchase and the third quote is for a salt truck to be built. The first quote is for a salt truck with a front wing at the price of 190,170.00 and it is available now. The second quote is for a salt truck with a back wing on at the price of 185,646.00 and is available now. The third quote is for the price of 148,647.00, this does not include a wing on the truck and we are looking at 120 days minimum to have the truck built. Supervisor Frank asked when do you need the salt truck by? Highway Superintendent Ward answered that ideally he would like it now with the winter season coming up as the 2008 truck they currently have has been fixed several times and is on borrowed time. The 2008 truck does have some value to it, we can sell it at an auction for around 8,000 to 10,000 dollars. Supervisor Frank asked where are we with salt and sand? Highway Superintendent Ward stated that the salt and sand is all in and paid for. We should be okay with sand but we may need to order more salt depending on how much snow we get this year. Supervisor Frank asked what are we looking at for budget? Highway Superintendent Ward stated that we should have 100,000 in the snow and 60,000 left in road maintenance. Councilman Stalteri stated he likes the idea of something put together and that we felt good about purchasing a new salt truck at budget time. Councilman Kast stated that buying something already put together would be better if he needs it for this winter season and the guys are used to working with the front wing on the truck.

Motion by Councilman Kast, seconded by Councilman Stalteri to approve the purchase of the International salt truck with a front wing.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept, place on file and approve the Audit dated November 4, 2024. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to go into executive session to discuss contractual negotiations.

CARRIES AYES ALL

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

CARRIES 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 18, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk