

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, November 18, 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

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 November 4, 2024 as written.

CARRIED AYES ALL

05-A) **Public Hearing.**

Supervisor Frank stated he would like to open the Public Hearing for the Quackenbush Campus- Restore NY Communities Initiative. He read the notice out loud and asked if anyone from the public would like to speak relative to the Quackenbush Campus, if so to please state your name and address. Heather Devitt of 401 Bellinger Avenue stated that RestoreNY is a NYS initiative grant program, that HMQ 1890 has been working with the Town of Herkimer on. The municipality has to be the one to submit the application on behalf of HMQ 1890. Our intent is to demolish two of the buildings, the wooden 1980 structure and the smaller connecting building. Demo should cost about \$250,000 which will be paid for by HMQ 1890, this will be at no cost to the Town of Herkimer. HMQ 1890 will have to pay the money up front for demo then would be reimbursed through the grant program up to 90%. HMQ 1890 is aware that the remaining 10% will be solely their responsibility with no reimbursement. The Town of Herkimer will have to submit for the reimbursement to the state. Supervisor Frank stated that we will need to show a proof of payment such as a receipt and a canceled check to submit to the state for reimbursement. Laura Guido of 176 Folts Road, asked will the demo will start before or after the state approves them for the grant? Heather Devitt replied we cannot do any work until the state approves for the grant. Jeff Ward 166 Folts Road asked how far down is the demo of the foundation? Will all the hazardous materials be gone? Will it affect any further grants for the Town of Herkimer? Heather Devitt replied it will be demolished a little below the foundation and it will not affect any grants. We have completed phase 1 and phase 2. We have worked with the DEC to complete a work plan to get the project cleaned properly from hazardous or contaminated materials. HMQ 1890 has also been working with the Village of Herkimer on a grant but the Town of Herkimer grant will need to be completed first before we can move forward with the next one.

Motion by Councilwoman Stalteri, seconded by Councilwoman DeCarlo to close the public hearing for the Quackenbush Campus.

CARRIED AYES ALL

05-B) **Public Hearing**

Supervisor Frank stated he would like to open the Public Hearing to consider the ASD Folts NY Solar I, LLC Solar Project. He read the notice out loud and asked if anyone would like to speak relative to the ASD Folts NY Solar Project to please state your name and address. In attendance we have representatives from PureSky Solar and our consultant attorney on behalf of the Town to assure our local and state laws are being followed. Will Therman, the PureSky community solar developer,

introduced himself and stated that PureSky operates the full cycle of the project. Matt Moyer, PureSky Engineer, introduced himself and did a quick overview of the presentation that he gave the planning board on the proposed Solar Project as well. Matt Moyer stated in his overview that the Solar Project on Edger Street is 5 MG Watts and 26 acres in size, all access would be from Edger Street. We are keeping a minimal visibility of the solar project from the public which includes adding greenery. We will be avoiding the wetlands and there will be minimal earth disruption. Councilman Carbone asked how many panels? Will Therman replied there will be about 12,300 tracker panels that follow the sun throughout the day. Sarah Ward of 166 Folts Road stated that residents received a letter of notice on Friday and she does not feel it was a sufficient amount of time to be notified. Sara wanted to see a closer look at the map that Matt Moyer and Will Therman were presenting of the proposed solar project. Matt Moyer showed her the map of where the solar panels will be located and stated that there will be six utility poles added. Sara Ward asked has the zoning of the property changed? Matt Moyer stated no, it has not changed. Jeff Ward asked will the land be returned to agricultural after the lease is up? Matt Moyer stated that the state has requirements to be sure that the land is returned to its original state. Jeff Ward asked is there a proposed transmission? Matt Moyer replied everything will be underground other than the six utility poles and there will be medium voltage underground. Jeff Ward asked is there a storm water management? Matt Moyer replied we have satisfied all the storm water management through pure review of the project. Chris Balamonte of the Wladis Law Firm stated that PureSky submitted the application back in February and have sense then presented to the Planning Board who has made recommendations. Supervisor Frank stated that Chris Balamonte is our consultant attorney for this project. Sara Ward asked what about radiation and electromagnetic fields? Chris Balamonte stated that it has been looked at by engineers. Matt Moyer stated there are strict guidelines from the state of what can and cannot be used so safety protocols are taken. Sara Ward asked has it been looked at by a medical professional? I have health concerns about the project, my daughter has migraines and is hypersensitive. Chris Balamonte replied no, it has not been looked at by a medical professional but meets the states requirements. Matt Moyer stated he would be willing to review any sufficient articles on findings that solar project harmful but to his knowledge there has been no direct link of such. Jeff Ward asked what about decommissioning, will there be anything left in the ground? Chris Balamonte stated that an application for the solar project was sent to the Town Board, who then sent the application to the planning board who then reviewed and issued a report of the project to give to the Town Board. The Town of Herkimer will receive a financial security bond for \$317,000 with inflation. The Town can use the bond to decommission, if the company does not decommission after the lease. What would be left behind? Power lines? Matt Moyer replied stating we will take out everything and it is unlikely that anything would be left behind. Chris Balamonte stated that the planning board reported that there is no significant affect to the public, traffic, wildlife, etc. The planning board recommended that they add greenery to the part of the project that was visible to Folts Road residents and the developer has agreed to do so. Lisa Crossett of 210 of Grace Ave asked what is the life cycle? Will Therman stated that the average cycle is roughly 35 years and that they renew the contract every 5 years. Susan Schrader of 109 Folts Road asked who benefits from this? Will Therman answered we have a program through our company, it would decrease electric bills within the municipality by 10 to 15 percent, National Grid would be able to tell you more information. Heather Devitt asked does the town residents get first priority? What is the timeframe? Will Therman replied yes they would get priority and we do not have a timeframe set yet but usually takes about six months to get everything installed. Heather Devitt asked what about fiber optics and taxes? Matt Moyer replied not on the utility side, the Herkimer County IDA would engage in doing a pilot agreement for the town, county and school. Sara Ward stated that she still disagrees with it not having health effects. Will it affect property value? Will Therman answered no it will not affect property value and if you find studies we will take a look at them but we do, do our own studies and check out everything before we start. Supervisor Frank asked how long is construction? Will Therman answered that it will be about 6 to 8 months with low maintenance construction. Supervisor Frank asked will there be battery storage units? Will Therman replied no there is none with this project. Councilman Stateri asked is it common to do near high tension power lines? Matt Moyer replied yes it is common although it is not necessary and we will not be connecting in to them. Councilman Stateri asked what is the size of this project? Small, medium or large? Matt Moyer replied this project is 26 acres which we would be considered small to medium. Susan Schrader asked is there a project going on, on Shells Bush Road? Supervisor Frank stated that Codes Enforcer Collis reported that the project had

stopped due to not having proper equipment. Codes Enforcer Collis stated that they are back in operation and all the panels are installed. Will Therman stated that the Shells Bush project is not their project and that they are two separate companies. Laura Guido asked when did the application go in for the solar project? Will Therman replied February 17, 2024. Laura Guido asked what is the future for more solar projects? What is the local law on solar projects and does the Town have a moratorium? Supervisor Frank stated that we do not have a moratorium in place but we do have requirements that the applicant needs to follow. We have talked about a moratorium but have made no decisions yet. Our local law on solar projects is on the Town of Herkimer website. Councilman Stalteri stated that CT Male needs to be asked some of these questions and we need to get the answers. Supervisor Frank stated that we will have to have an electrical engineer look at it as we continue the process. Councilman Stalteri stated that we will get answers through our consultant engineer. Susan Schrader asked once the project is all approved will they be able to add more panels if they want? Chris Baimonte replied, per the Town's local law if they would like to expand the project they would need to get another permit and go through the whole process again. Matt Moyer stated they have no intent to make this project bigger. Supervisor Frank asked what are the next steps? Chris Baimonte replied stating that the Town would need to complete part 3 of the SEQR process that will justify the impact on part 2 and then the board will take a vote to determine if it is safe and what impact it will have. Most projects are negative declaration meaning no impact. Jeff Ward asked will it be crossing Beaver Brook? Matt Moyer stated no it is not anywhere near it. Joe Roy of 310 Palisades Street asked how does it work with two convertor units or a transmitter? Matt Moyer replied it is fed through the ground from the solar panel through conduit to a converter and then goes to the poles into the grid. Laura Guido asked with the dry weather, will there be any problems with fires? Matt Moyer replied there is nothing to start a fire from with these panels. Chris Baimonte stated that moratoriums are only temporary, can be subject to a law suit if they are made permanent. Supervisor Frank asked is there any more questions or comments on the ASD Folts NY Solar Project and thanked everyone for coming.

Motion by Councilman Carbone, seconded by Councilman Stalteri to close the public hearing for the ASD Folts NY Solar Project.

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.

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

CARRIED AYES ALL

05) Petitions and Communications.

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

- A. A letter dated November 5, 2024 from Charter Communications Senior Director of Government Affairs, Alex Camarda, concerning upcoming changes.
- B. A letter dated November 6, 2024 from the Herkimer County Humane Society Board of Directors concerning Gregory Foster no longer serving as Investigator.
- C. An email dated November 7, 2024 from the Herkimer High School Business Manager, Chad Hess, to Jodi Rivers thanking her for all her help with the school taxes.
Supervisor Frank thanked Mrs. Rivers for all of her hard work.
- D. A certificate of Liability Insurance dated November 11, 2024 for American Energy Care, Inc. effective 11/10/2024 through 11/10/2025.
- E. A Notice of Public Hearing dated November 13, 2024 held by Herkimer County Industrial Development Agency considering a proposed amendment to its Uniform Tax Exemption Policy.
- F. A notice from the Village of Herkimer received Friday, November 15, 2024 concerning our drinking water service line lead status is unknown.
- G. Letters dated November 18, 2024 from Supervisor Frank to Nicole Carbone and Gerald Gay congratulating them on their employment with the Town of Herkimer.

CARRIED AYES ALL

07) Routing.**08) Resolutions.**

Attorney Bray stated that the Quackenbush Project is eligible to apply for Restore NY, now that the public hearing has been completed, the next step is to pass this Resolution that authorizes the application. He would recommend before this application get submitted, which has to be done so by December 20th, that an agreement be made between the Town of Herkimer and the applicant stating if that applicant is awarded the grant, there will be no cost to the town. In addition, this agreement should state that any work to be done by any town employee or official in review of, submitting the application, bookkeeping time and any other administration, the applicant would be required to pay this cost. The applicant agrees and understands.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file, and approve Resolution No. 43 to authorize the application for Restore NY Communities' Initiative Municipal Grant Program of the Quackenbush Campus.

CARRIED AYES ALL

09) Old Business.

Water Districts: Highway Superintendent Ward stated that they did data logs on a couple meters. He had one resident who had a toilet leaking but they are going to get it fixed and the ARC home on Pine Grove Road had a something running as well but .it has been all taken care of.

Mckennan Road Enhancement Project: Supervisor Frank stated that there is no progress and we are still in the permit stage.

West Herkimer Water: Supervisor Frank stated he will be connecting with the consultant.

East Herkimer Sewer District: Highway Superintendent Ward stated that he had been emailing with the developer and the developer would like to move the parcel line as far north as possible.

Attorney Bray stated that the surveyor looking to do 30 feet. Highway Superintendent Ward stated that he would like at least 20 feet to get around with equipment but 30 feet would be better.

Attorney Bray stated that he will reach out tomorrow. We would like to be able to work with the parcel in between Lowes and the pump parcel.

Hydro dam Meeting: Councilman Stalteri stated that they met last week for a meeting, Pete Blanchfield, who was interested in the property, his consultant engineer, fish and wildlife, etc. The construction of water and influx of erosion has carved a new path to East German Street Extension. It will take another two years for Pete to get a licensing permit. Ecosponsible has also resubmitted for an extension permit. Paul Nolan, a consultant engineer is interested in helping us. We applied for a grant to buy the houses. We will have to start a writing campaign for us and the residents to send to Valent and Stefanik's campaign. The DEC would like the dam gone due to constricting water. The DEC inspected the dam and it is compromised. Supervisor Frank stated that the letter campaign is to FERC and that Ecosponsible's license is in suspension. When there is another event then we will be able to get a special permit with the DEC to access the stream, maybe we should look into suing him. Councilman Kast stated that it is obvious what the problem is. Attorney Bray stated that we can look into it.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated that we have our declarations and emergency orders in track.

Codes: Codes Enforcer Collis stated that he got a call on Friday regarding a change of ownership on the Watkins/Sokol Road Solar Project. They plan to change the plans for their solar project. He will follow-up with Chris Balamonte about it.

Landbank: Councilman Stalteri stated the remediation of the two back trailers has begun. He also stated Supervisor Frank, Mayor Sherry and Chief Jury walked down to the point and it is really quite beautiful and peaceful there. It is roughly 26-acres and is in the flood plain. He stated he has contacted the Canal Corp to see what they think could happen there. We are thinking this could be a possible area of development. Although this property is located within the Village, we will help in any way we can.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Councilmen Stalteri stated we are getting ready for winter. Supervisor Frank stated we have used our funds to hire someone to put together the cost and plans for this project

so we can write a grant. Councilman Stalteri and himself will meet with the consultant on the 20th at 9:00AM. They specialize in this type of project as an engineering firm.

202 Zoller Ave: Councilman Kast asked the status of this? Attorney Bray stated he reached out today and left a message.

Town Park: Councilman Stalteri stated today we had an engineer from Barton and Loguidice on expanding our bathrooms to make them handicap assessable. The storage shed is being erected by the BOCES students.

Updating Zoning Ordinance/Map: Supervisor Frank stated they have sent us an updated map with the revisions we requested. The board reviewed them and stated they look good.

Motion by Councilman Kast, seconded by Councilman Stalteri to approve, accept and place on file the new updated Zoning Map for the Town of Herkimer

CARRIED AYES ALL

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: Highway Supt. Ward stated national grid was there today looking at the pole.

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

Public Safety: Tabled.

AOT Delegate: Supervisor Frank stated he will be attending the conference and would be honored to act as the delegate again this year. We will need to see who else is going so we will have an alternate as well.

Motion by Councilman Stalteri, seconded by Councilman Kast, to approve Supervisor Frank as the delegate for the AOT Conference and Annual Meeting.

CARRIED AYES ALL

Herkimer County Humane Society proposed Contract for 2025: Attorney Bray stated he reached out to Mr. Schrader and told him our concerns with the proposed contract. Bray stated he has been looking into alternate locations as well. His thought is that the bigger municipalities should provide a united front. He also stated the Town of New Hartford is opening their own, he will reach out to them to see if they would be willing to take on more. The Rome one is not able to take on any more at this time but said we could reach out again in the future. He did point out that the proposed contract is for one year so we could make different arrangements for the following year if need be.

10) **New Business.**

Board of Assessment Review: Councilman Stalteri stated he thought there was a vacancy. Clerk DeMetro stated all members are current and up to date. The board recently approved the re-appointment

Highway Superintendent Ward stated we have two trucks coming but they won't be done till early next year. He is wondering if the board would like to pay for one out of this year's budget and then one next year? He stated he will know information on delivery early next month. Supervisor Frank stated he would prefer we pay for the cheaper on out of this year's budget and then this will give him time to shop around for rates for the larger truck. Ward stated he will follow-up with more at our next meeting.

11) **Reports.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file both of the bill submitted by C.T. Male Associates for services on the Folts Road Solar Project.

Supervisor Frank stated we have received two bill equaling \$4,500 and now that we have accepted and placed them on file, we will give them to the consultant attorney so a request can be made to the developer to replenish escrow funds to cover these costs.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the all four of the reports in regards to the Mining Permit Application for Route 5 Sand & Gravel listed as;

Markey-Frank Route 5 Sand and Gravel Application, Route 5 Sand & Gravel Mining Permit Application, Route 5 Sand & Gravel Notice of Complete Application, and Route 5 Sand & Gravel SEQOR Negative Declaration.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Stalteri to accept and place on file the Town Justice Report for October, 2024 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Emergency Orders dated 11/7, 11/12 and 11/17 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 November 18, 2024.

CARRIED AYES ALL

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

CARRIED AYES ALL

Supervisor Frank stated last week Councilman Stalteri, Highway Supt. Ward and himself met with the consultant of BridgenY to discuss the drafts of the RFP's for the culvert and bridge. Supervisor Frank asked Attorney Bray to review these drafts and with doing so would ask the board to give the Supervisor permission to proceed so we can get these out to bid.

Motion by Councilman Stalteri, seconded by Councilman Carbone to allow the Supervisor to proceed with the drafts once Attorney Bray has provided his review.

CARRIED AYES ALL

Supervisor Frank stated he has been doing some work relative to NYSERTA, which is a state program for clean energy. They have asked for our electric bills and an inventory of our vehicles. We are looking into updating our lighting districts light poles. We get more points for being a more energy efficient community and the more points we have, gives up better chances for grant funding.

Supervisor Frank stated he will be having hip surgery on December 2nd so he will be out of commission for several weeks but will be able to work from home on his laptop.

Supervisor Frank stated he would also like to make everyone aware of the devastating fire that happened in the Town of Ohio Office Building and Highway Garage, as the buildings are connected.

11) Purchase Orders and Audit:

There are no purchase orders for this meeting.

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept, place on file and approve the Audit dated November 18, 2024.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Kast, 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, December 2, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk