

01) Deputy Supervisor Stalteri called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, December 16, 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: Deputy Supervisor-----Daniel Stalteri
Councilman-----Randy Kast
Councilwoman-----Kathleen DeCarlo
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis
Supervisor-----Dominic Frank (via Zoom and recused himself
from all voting during the meeting)

Excused: Councilman-----Vito Carbone
Town Park Supervisor-----Kathi Nasypany
Deputy Attorney-----Kyle Crandall
Dog Control Officer-----Erica Dunton

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 Kast, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous regular meeting held on December 2, 2024 as written.

CARRIED AYES ALL

05) **Public Meeting.**

Deputy Supervisor Stalteri stated if anyone from the public would like to speak to please state your name and why you are here.

Terry Rasmussen stated he is here from Puresky Energy as the Director for New York State. He stated he is here to see the status of the project and when they can expect an answer on approval or not? Attorney Bray stated we just received the answer to our questions today and we have not had time to review them. Also we will need comments from our Consultant Attorney, Christopher Balamonte in regards to the responses. Attorney Bray stated the board could review it and then have it on the agenda for the end of the year special meeting. Deputy Supervisor Stalteri stated we should give the residents notice of this meeting as well so they can ask their questions directly to Mr. Rasmussen. Deputy Supervisor Stalteri stated let's put it on the agenda for our next meeting.

Kevin LaQuay of 1050 Steuben Hill Road asked if there is any updated on the water. Deputy Supervisor Stalteri stayed that Supervisor Frank is on the mend from hip surgery and that he has no updates but Supervisor Frank is trying to get on zoom and we can circle back to see if he has any updates once he is on. Kevin LaQuay asked is there any updates on the solar panels as he doesn't want it to affect his business. Deputy Supervisor Stalteri stayed that there are no updates. Kevin LaQuay asked do you know what rights I would have for the pump house? Can I turn it off if it is on my land? Attorney Bray asked is it property of the Town? Kevin LaQuay stated that it is not property of the Town and no one will claim it. He stated that he will need to look at the deed and the easement for the property.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A letter dated December 2, 2024 from the NYS Department of State acknowledging receipt of Clerks DeMetro's letter of resignation effective December 31, 2025.
- B. A Certificate of Liability Insurance dated December 3, 2024 for American Equipment, LLC effective 12/1/2024 through 12/1/2025
- C. Letters dated December 4, 2024 from National Grid concerning the installation of the electric smart meters at 154 Pine Grove Road, Pine Grove Road and 329 Pine Grove Road.
- D. A letter received December 4, 2024 from NYSERDA Program Manager President and CEO, Doreen Harris, concerning Governor Hochul announced executed contracts resulting from NYSERDA's seventh annual solicitation for large-scale renewable energy projects.
- E. A letter dated December 6, 2024 from the NYS Ag. and Markets Veterinarian, Dr. David Chico, concerning the Municipality Shelter Inspection Report completed on 12/2/24 rated "unsatisfactory".
- F. Deputy Supervisor Stalteri stated he hopes they will address these issues.
 Deputy Supervisor Stalteri stated he hopes they will address these issues.
 A resolution dated December 11, 2024 from the Herkimer County Legislature concerning the County Equalization Rates for the 2024 Assessment Rolls for Municipalities in Herkimer County.
- Deputy Supervisor Stalteri stated this is something we should be thinking about. Supervisor Frank stated all of the municipalities are all in the same boat but we will need to start talking about a reveal. He also stated we should have our assessor in to discuss this. Clerk DeMetro reminded the board that the Assessor's contract will be up as of September 30, 2025. Supervisor Frank recommended that we send our current one to him for review a head of time.
- G. A letter dated December 16, 2024 from Charter Communication Associate VP of State Government Affairs, Alex Camarda, concerning upcoming changes in service and increased programming fees charged by the TV networks.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Attorney Bray stated that there are no new resolutions.

09) Old Business.

Water Districts: Highway Supt. Ward stated he has nothing to report.

Mckennan Road Enhancement Project: Supervisor Frank stated that our consultant engineer has sent out emails to the DEC asking if there is anything more they need from us, they said that they are still reviewing. He stated that our consultant engineer asked when the permit would be done and the DEC has not responded.

West Herkimer Water: Supervisor Frank stated that he placed a call to the consultant to find out the status of this.

East Herkimer Sewer District: Attorney Bray stated that we only need to present the owner with a description so that they can deed it to us. It will be called the Herkimer Commons Sewer District, Town of Herkimer. Councilman Kast stated that we have always referred to it as Lowe's Sewer District. Attorney Bray stated yes that is correct, we should have a title by the end of this year or early next year. Supervisor Frank stated that we are waiting for the USDA to finalize the plans. Supervisor Frank stated that BOCES asked where they would be able to hook up, our consultant engineer supplied them with what we have and told them that it is not finalized. Attorney Bray stated that the survey will need a subdivision approval done and that we will need the planning board to review and approve it first. Attorney Bray stated that the applicant needs to be the owner of the property and he suggested waiving the fee for the applicant and that the fees should go into the purchase price.

Motioned by Councilman Kast, seconded by Councilwoman DeCarlo to waive the subdivision fee for the pump station parcel.

CARRIED AYES ALL

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated that we should be hearing soon about a grant.

Codes: Codes Enforcer Collis stated that he has nothing new to report. Deputy Supervisor Stalteri asked if Codes Enforcer Collis could look into property maintenance. Deputy Supervisor Stalteri stated that recycling bins have been left out by residents and that they should not be left out during plowing season.

Landbank: Deputy Supervisor Stalteri stated that they put poles up for the electric and that two electric charging stations were put in on the right where you pull in. Deputy Supervisor stated that he is concerned with how cars will be able to pull in there as there doesn't appear to be enough room. Codes Enforcer Collis stated that we didn't receive any word from them about the installation of the charging stations. Deputy Supervisor Stalteri asked if the charging stations were in the approved design plan. Codes Enforcer stated he is not sure. Clerk DeMetro stated a permit should have been made for the charging stations. Superintendent Ward stated that he wrote a letter to Jim Werczynski for the water line and stating it has been tested.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Deputy Supervisor Stalteri stated he has nothing new to report. Supervisor Frank asked if there have been any issues with the safety system due to the cold weather? Deputy Supervisor Stalteri stated we have not had any issues yet so we should be good.

Park: Deputy Supervisor Stalteri asked Town Park Supervisor Nasypany to give the board an update on the park. Mrs. Nasypany stated we are going to form a committee to help with creating different events at the park. This would be to get the community and local business involved and to help promote the park. Some ideas are possible a car show or movie nights at the park. She also stated we are going to fold the farmers market as it didn't do as well as we would have liked. Deputy Supervisor Stalteri thanked Mrs. Nasypany for all of her hard work one the Farmers Market and that her efforts didn't go unnoticed. He also stated the East Herkimer Volunteer Fire

Department chief wants to work with us to do more with the park as well.

Updating Zoning Ordinance: Supervisor Frank stated that Attorney Bray and I had a proposal put together to reinvent the zoning ordinance. Supervisor Frank stated that he would like the zoning ordinance to be helpful, accessible and readable for the public. Supervisor Frank stated that we should review it and have it updated. Supervisor Frank stated that we will have to contact the firm who typed it up last time. Attorney Bray stated that in July of 2022 Costello-Cooney was who we worked with.

Signs entering Town: Tabled.

Charging Station for electronic cars: Deputy Supervisor Stalteri stated that there is nothing new. Friends of Town of Herkimer/Not for Profit: Tabled.

Public Safety: Tabled.

AOT Delegate: Supervisor Frank stated that Justice Petucci has a purchase order in for attending, we could reach out to him to see if he will be the AOT Delegate. Supervisor Frank stated that Justice Manne has served in the past as our AOT Delegate.

Herkimer County Humane Society proposed Contract for 2025: Deputy Supervisor Stalteri stated that the Town Board is still reviewing the contract. Attorney Bray stated that he would like to discuss in executive session.

Alternant for Assessment Review Board: Deputy Supervisor Stalteri stated that we do not need an alternant. Supervisor Frank stated that it is not required and we have never had one before the previous alternate.

Water Operator: Deputy Supervisor Stalteri stated that we have a form from the village for Matt Spisak to be the new water operator. Supervisor Frank asked who will be doing the monthly reporting. Highway Superintendent Ward answered Matt Spisak will be doing the monthly reporting but I am not sure when Scott Blais' name will be off the reports.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to approve and authorize Supervisor Frank to sign the form for the new water operator.

CARRIED AYES ALL

Pullmans Flats Water Valve Repair: Highway Superintendent Ward stated that he called Matt Spisak and he will have someone come out to look into it and see what needs to be fixed. Highway

Superintendent Ward stated that the valve is sticking and will not close, that it ties to what East Herkimer feeds the village and it is effecting the pressure of the East Herkimer Water district.

Ampion Community Solar Agreement: Supervisor Frank stated that he reached out to other companies. He stated that he got back a proposal from PowerMarket for 52,000 annually for all of our electric bills which would potentially be saving the Town 4,000 annually. Attorney Bray stated that we should speak with Ampion. Supervisor Frank stated that we also received a proposal from Nexamp and we are still waiting on the third proposal. Deputy Supervisor Stalteri stated that we should do a spreadsheet with all the proposals and what we would get.

10) New Business.

Village of Herkimer Water Rate Increases for 2025: Supervisor Frank stated that he spoke with Jodi about the water rate increases. Supervisor Frank stated that if the Village of Herkimer raises it rates for July 1st, that we would have to raise our rates in May to stay even with them. Highway Superintendent Ward stated that we read the water meters in June. Attorney Bray stated that to change the water rates we need to do a local law, a public hearing, and a resolution to amend the fee schedule. Supervisor Frank stated that we can revisit in March as we are not sure of the rates will be raised to for the Village.

Zoning Board of Appeals- Two appointments available:

Town Board Review of Policies before Organizational Meeting:

Review of Annual Contracts: Deputy Supervisor Stalteri stated that the DCO and Town Park Supervisor have gone and got the required insurance for their contracts. Deputy Supervisor Stalteri stated that he will need to speak with Billy Ray about the new insurance requirement for his contract.

1. Maintenance Man Contract

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to authorize Supervisor Frank to sign the Maintenance Contract.

CARRIED AYES ALL

2. DCO Contract

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to authorize Supervisor Frank to sign the DCO contract based upon review and approval of the Town Attorney

CARRIED AYES ALL

3. Park Supervisor Contract

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to authorize Supervisor Frank to sign the Park Supervisor Contract

CARRIED AYES ALL

4. IT Contract

Supervisor Frank stated that we should take out of the contract that IT is responsible for purchasing the cameras but keep in that he is responsible for keeping the security system up and running.

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to authorize Supervisor Frank to sign the IT Contract.

CARRIED AYES ALL

Review of Fee Schedule: Supervisor Frank stated that we will review and adopt the fee schedule at the organizational meeting on January 6, 2025.

End of the year Financial Closing Meeting: Supervisor Frank stated that a Special meeting to finalize the end of the year will be held on December 30, 2024 at 11:00 AM

11) Reports.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Community Solar Email and Proposal from PowerMarket.

CARRIED AYES ALL

Motion by Councilwoman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Community Distributed Generation Email and Proposed Resolution.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept and place on file the ADS Folts Solar written responses to Public Hearing

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept and place on file the East Herkimer Fire District Commission Certificate of Canvass of election officers

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept and place on file the Town Justice's Reports for November, 2024 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders dated 12/7 and 12/12 of 2024 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilwoman, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated December 13, 2024.

CARRIES AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated December 13, 2024.

CARRIED AYES ALL

11) Purchase Orders and Audit.

There are two purchase orders for this meeting, Michael Petucci to attend the 2025 AOT Conference and a radiator/water pump for the Highway Truck.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to approve the expenses for Michael Petucci to attend the 2025 AOT Conference.

CARRIED AYES ALL

Highway Superintendent stated that the 2014 freightliner's radiator started leaking and we need to change the water pump. He stated that it will cost 4,000 dollars to cover both the radiator and the water pump from Tracy's.

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to approve the purchase of the water pump and the radiator for the Highway Truck from Tracy's.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept, place on file and approve the Audit dated December 13, 2024. Councilman Stateri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to go into executive session for personal matter and contract negotiations

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to close the 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 Monday, December 30, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk