

01) 0Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, September 5, 2023, at 6:00PM at the Town Hall located at 114 N. Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilman-----Randy Kast
Councilman-----Vito Carbone
Councilwoman-----Kathleen DeCarlo
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray

Excused: Deputy Attorney-----Kyle Crandall
Codes Enforcer-----Ken Collis
Town Park Supervisor-----Kathi Nasypany

03) Pledge of Allegiance to the Flag.

Councilman Stalteri 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 meeting held on August 21, 2023 as written.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated if anyone would like to address the board to please state you name, address, and tell us why you are here.

Denise Brown of 108 Carney Avenue stated one of her neighbors has been parking on the street and it is very unsafe. She stated she parks within twenty feet of a stop sign and this would make it difficult for the fire department to maneuver its vehicles around if there was an emergency. Supervisor Frank asked if she parks on the street in the winter. Highway Supt. Ward stated this has been addressed and that he made the neighbor aware of the state law of parking at least 30ft from the stop-sign. As far as he knows she has complied. He stated Clerk DeMetro did some research and found that we have a resolution stating that there is only two-hour parking allowed Monday through Friday between 7:00am -5:00pm. He stated there is also no parking on the roads in the winter from 3:00am to 5:00 for clearing snow. He believes the two-hour parking law was passed because of MDS. Denis Brown stated that now she has stopped parking on the street she is parking all over her lawn. She stated she is also having property concerns and wants the codes violations addressed. Supervisor Frank asked if she has been in contact with out Codes Enforcer? She has not yet but will do so. Supervisor Frank asked that we put Parking on our agenda under old business.

Bill Penree of East German Street Extension stated there has still been no action on codes with his neighbor's fence. He also wondering what the status is on buying the houses out because he does not have access to his home? Councilman Stalteri stated he spoke to the engineer who does not recommend that we fill in the hole so for the time being it will be left as is. He stated we will need to explore the option of putting a driveway in through the Heidleberg. He stated he will come up with some dates to meet with Highway Supt. Ken Ward and Mr. Penree to walk the property to see what options we can come up with. Herkimer County Legislator Greg Malta stated he is here on behalf of Mr. Penree and he believes the Town should try to get something done for him. As far as the codes issues should be addressed especially since there hasn't been any progress.

Legislator Robert Schrader stated he would like to welcome Kathleen DeCarlo to the Town Board and congratulated her on her win. He asked if there any updates on the West Herkimer Water District? He stated residents have been calling and asking the status of this project. Supervisor Frank stated our consultant engineer said the holdup is with the Water Authority needing to

update their infrastructure in order to accommodate this project. There has been some turn over in staffing on their end which has caused some of the delays. Mr. Schrader also asked the status of the McKennan/Steuben Hill Road water district? Supervisor Frank stated we are still waiting on the local DOH and that they have had the plans for over a year. Mr. Schrader stated he called and spoke to Chris Demme and was told that they are back logged, short staffed and won't be able to have answer for us until at least October. Highway Supt. Ward said he was calling several times last year and was told the same thing.

Legislator Robert Schrader stated another reason why he is here tonight along with the other legislators of the Town of Herkimer, Greg Malta and Mark Gaworecki because the County is looking a place for daycare center to and were looking at the possibility of the old elementary school in East Herkimer. He asked if there are any current plans for this property and if we would be open to this idea of having a daycare there? Supervisor Frank asked if this is a daycare or for social services and mental health facility and why it's not wanted in Ilion anymore. Legislator Schrader stated there are some concerns about the proposed site in Ilion with having contaminated ground at the location at or near where we were looking to have it there so now we are exploring other options in case it doesn't work out there. Legislator Gaworecki stated in his mind there are two things going on; one is for a daycare center that will be open to the public for childcare and the other is a location for social services and mental health services for youth. He stated this who project is geared towards children and our youth for stopping the cycle of difficulties that some are born into. Councilman Stalteri asked who would be running the daycare? Gaworecki replied stating the County would provide the funding for a space for a daycare and lease it to a company to run the daycare. Supervisor Frank stated he understand and the board has no set plans and are open to all possibilities but they need more information. Councilman Stalteri asked that they send us a plan explaining this more in depth. He stated we are open to ideas but need to know more and the other concern is parking there. He also stated there is a definite need for daycare in this area. Supervisor Frank stated we are working with our consultant to discuss the results of the survey and they would also like us to meet with the public to discuss the results as well. Highway Supt. Ward asked if they daycare would only be provided based on income? Gaworecki replied stating no, this is not the plan to be income based. He stated the committee is meeting again this again on Thursday to discuss this more.

Legislator Gaworecki stated he has had some complaints of a local paving company parking its trucks and equipment on the dead end of Grave Avenue. Highway Supt. Ward stated its Rick and Tryoy Macri who just started a paving company. They are friends with Ryan Mazer who lives down there and is allowing them to park there. The residents have asked that they stay off of East Street Supervisor Frank stated Codes should be aware. Councilman Kast stated it's a commercial business in a residential area and that's not allowed it should be addressed. Supervisor Frank will make sure Codes Enforcer Collis is aware of this issue.

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

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Councilman Stalteri, seconded by Councilman Carbone, to accept and place on file all the petitions and communications 6A through E listed below.

- A. An emailed dated August, 2023 from M&T Bank concerning their recent global security incident involving MOVEit.
- B. A letter dated August 16, 2023 from National Grid concerning the process of replacing their electric meters.
- C. An email received August 23, 2023 from Laykold General Manager of the Courts Division, Paul Brown IV, concerning basketball line, cracks and splits on the courts.
Councilman Stalteri stated the cracks and splits were both taken care of and covered under warranty. He asked that Town Park Supervisor Nasypany verify this with documentation that the work was done under warranty and done correctly.

- D. A letter dated September 1, 2023 from Charter Communications Director of Government Affairs, Alice Kim, concerning changes in service.
- E. An email dated September 5, 2023 from Valley Residential Services Chief Financial Officer, Michael Treen, concerning water bill late fees. Supervisor Frank stated this is request we received from Valley Health services to relieve them on their late fees. He stated they always pay on-time and they claim that they didn't receive the bill for last quarter. On our end nothing was returned to us. Highway Supt. Ward stated we denied the Landbank request last time.
- Motion by Councilman Stalteri, seconded by Councilman Kast to table this issue for now.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to approve the school the use of the tennis courts and to allow Town Park Supervisor Nasypany to work with the school on this.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve Resolution No. 34 of 2023 to exceed the annual tax cap. The public hearing will be set for our next meeting held on September 18, 2023 at 6:05PM.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Supt. Ward stated there was a small leak at a service on McKennan Road and that he has called DIGSafely to be able to fix it next week. He stated there is also a leak in the East Herkimer meter pit that he will take care of tomorrow.

McKannan Road Enhancement Project: Supervisor Frank stated this has already been discussed.

West Herkimer Water: Supervisor Frank stated this has already been discussed.

East Herkimer Sewer District: Attorney Bray stated he has nothing new to report besides that we hope to have approval soon. We received the survey and have cut the check to have them on record. He stated he had received an email from the USDA two weeks ago with some questions they had so he had forwarded it to our consultant engineer who was supposed to take care of it but we received the same email again today so he will follow-up with our consultant engineer.

East German Street Extension: Supervisor Frank stated we previously talked about this.

Codes: Supervisor Frank stated with Codes Enforcer Collis not here we will have to table this.

Councilman Carbone stated he has been receiving complaints of rats coming from the small farm on Delrose Ave. and the motel. Highway Supt. Ward stated there are still people living at the house on Steuben Hill Road. He stated the troopers had said we had after twenty days after the water was turned off we could have them accompany us to evict the people still living there and it's been more than twenty days now so we should be acting on this.

Landbank: Councilman Stalteri stated he needs to call Tolga back from the Landbank.

Zoller Ave: Attorney Bray stated he has left Mr. Hutton messages but have not heard back from him. Councilman Stalteri stated we should look into taking this property by eminent domain.

Attorney Bray stated this process can become more difficult but he will look into it. He stated all the paperwork has been sent to Mr. Hutton for review it. Councilman Kast stated we should proceed with taking it by eminent domain. The board agreed and Attorney Bray will begin the process.

Piper Road: Supervisor Frank stated the consultant engineer had indicated he is contracted with a surveyor to perform the necessary surveying on Piper road as a preparatory step in determining the estimated costs of the mitigation. The engineer said he would inform us when the survey will be on site.

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Supervisor Frank stated we've received the permit fee and the executed decommissioning bond but we are waiting on the decommissioning agreement because it didn't have the current name. He stated he asked our consultant attorney to get this updated for us. He also stated we have all of the plans and the interconnect agreement.

ARPA Funding (Exercise Trail): Supervisor Frank stated last week Councilman Stalteri and himself met with our consultant engineer and will have another conference call tomorrow to finalize our plans. HE stated we hope to go out to bid soon.

Updating Zoning Ordinance: Tabled.

Updating Zoning Map: Supervisor Frank stated the County Planning received all of our input and will be creating a new map for us. Town of Herkimer Planning Board Chairman thanked everyone for their efforts on this and stated it will be a great asset for the town.

Fireworks: Supervisor Frank stated he hasn't corresponded yet but will do so tomorrow.
EPA Testing East Herkimer Water District: Highway Supt. Ward stated the samples were taken last week and sent out.

Negotiations with Teamsters: Supervisor Frank stated we will go into negotiations later.

160 Pine Grove Road: Supervisor Frank stated we need to review our report for the survey done on the building with our consultant engineer. He also stated in regards to the break-in he will meet with our insurance adjuster tomorrow. He asked what damages had been done to the building. Councilman Stalteri stated the air conditioner, side door, broke a couple of windows, and graffiti damage by spray paint to walls and floors.

Herkimer County Mitigation Plan: Supervisor Frank stated we submitted the final report but we haven't heard anything back.

Phones through AT&T: Highway Supt. Ward stated he hasn't been able to get ahold of the representative to set up a new date to meet.

Signs entering the Town: Supervisor Frank stated he will get quotes for these.

Farmers Market: Town Park Supervisor Nasypany stated we are holding five vendors and all seem to be pleased. Next year we will charge a \$30 fee for the season to be a vendor. She stated she doesn't think a billboard or radio ad will be necessary again because most people use social media now a day. Supervisor Frank stated they had discussed adding four more sandwich boards to help direct people to the location easier. Nasypany will get a quote for them.

10) **New Business.**

Wadas Grant for Playground at Town Park: Supervisor Frank stated Clerk DeMetro has expressed interest in applying to the Wadas Foundation for the GameChanger Grant for a new playground at our Town Park. The last of our playground equipment will be taken out for the fitness court to take its place. There is no local match. Clerk DeMetro expressed how this would be a great asset to our town park as something for children to play on while parents can walk the trail or use the fitness court. Supervisor Frank stated it will cost us some money to employ our grant writer and the grant is due by October 16, 2023.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to allow Clerk DeMetro to pursue applying for the Wadas Grant for a new playground at our Town Park.

CARRIED AYES ALL

Property Taxes for 160 Pine Grove Road: Supervisor Frank stated because of the date when we purchased the property it was still qualified to be on the tax roll for this year. The bill is in the audit for tonight.

Block Party on Zoller Ave.: Highway Supt. Ward stated he was approached by a resident about having a Block Party on Zoller Ave. He told her to submit a letter to the board. He doesn't see a problem with it and he can talk to the EHFDD about it as well. Supervisor Frank stated we should send a letter out to the neighbors who it was effect by the road being blocked off.

Extending Term Lengths: Supervisor Frank stated we should write to the residents of the Town as a notice of extending the terms for the upcoming general election ballot. Attorney Bray stated the County Board of Elections has everything and it will be on the ballot. Legislator Robert Schrader stated PJ Green does a mass mailing post card. Supervisor Frank and Clerk DeMetro will get more information on this.

11) **Reports.**

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Fully Executed Contract for Piper Road West Canada Creek Landslide Prevention Project.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Judgment of Foreclosure and Sale of Ecosponsible, LLC dated 9/29/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Shells Bush Road Solar Project signed Decommissioning Bond.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Emergency Orders 8/25, 8/30, and 9/4 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Renewal State of Emergency Declaration for East German Street Extension dated 8/30/23.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Town Clerks Report for August, 2023 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated September 4, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated September 4, 2023.

CARRIED AYES ALL

11) Purchase orders and Audit.

There are three purchase orders that were submitted for this meeting.

- 1.) Karl Manne to Attend AOT Conference and Training in NYC in February, 2024. **TABLED**
- 2.) Motion by Councilman Kast, seconded by Councilman Stalteri to approve the purchase order for Karl Manner to Attend the NYSMA Annual Training Conference from 10/1/23-104/23.

CARRIED AYES ALL

- 3.) Motion by Councilman Kast, seconded by Councilman Stalteri to approve the purchase order for Michael Petucci to Attend NYSMA Annual Training Conference 10/1/23-10/4/23.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Audit dated September 5, 2023. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to go into executive session relative to negotiations.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to waive half of the penalty fee of the Valley Residential Services Town of Herkimer East Herkimer Water District recent water bill in question.

CARRIED AYES ALL

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, September 18th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk.