

01) Deputy Supervisor Stalteri called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, September 18, 2023, at 6:00PM at the Town Hall located at 114 N. Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present: 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: Supervisor-----Dominic Frank
Deputy Attorney-----Kyle Crandal
Town Park Supervisor-----Kathi Nasypany

03) **Pledge of Allegiance to the Flag.**
Deputy Supervisor Stalteri led us in the Pledge of Allegiance to the Flag.

04) **Reading of the Minutes.**
Motion by Councilman Carbone, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous meeting held on September 5, 2023 as written.

CARRIED AYES ALL
05) **Public Hearing.**
Motion by Councilman Kast, seconded by Councilman Carbone to open the public hearing on Local Law No. 2 of 2023 to override the mandated tax levy limit. Deputy Supervisor Stalteri asked if anyone from the public would like to address the board in regards to this local law. No one from the public wished to speak.
CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to close to the public hearing.
CARRIES AYES ALL

06) **Public Meeting.**
Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to open the public meeting.
CARRIED AYES ALL

Deputy Supervisor Stalteri stated if anyone would like to address the board to please state you name, address, and tell us why you are here.
Patrick Parese of 200 Downey Avenue in Herkimer stated he is here representing the East Herkimer Volunteer Fire Department to ask permission to use the old school on Pine Grove Road to do training for the fireman. Deputy Supervisor Stalteri asked if this will be more than one occasion? Patrick Parese replied stating yes, that they would like to do training monthly. Deputy Supervisor Stalteri stated we would want a schedule in advance and would just need to check the liability concerns. He stated we are storing some products for our new fitness court. Patrice Parese stated we will stay away from any areas that the Town would like them to. Attorney Bray stated Supervisor Frank has already reached out to our insurance provider but hasn't received a response yet. Councilman Kast stated we provide the workers' comp insurance for the fire department so it shouldn't be a problem. He also stated he can unlock and open it up for them when they would need to use it.

Motion by Councilman Kast, seconded by Councilman Carbone to allow the East Herkimer Volunteer Fire Department use the old school located at 160 Pine Grove Road for training contingent that all insurance requirements are met.

CARRIED AYES ALL

Dolores Walawender of 1219 East German Street Extension asked if the appraisals are in for the houses on her street? Attorney Bray stated all the inspections are done and he has answered all questions but we have not received them yet. He stated he should have them by the end of the week. Ms. Walawender stated homes are selling quickly and it is hard to plan with the unknowing when our homes will be bought out by the town. Deputy Supervisor Stalteri stated we can't offer more than the appraisals come in as. He also stated we are looking for funding for this cost. He stated the engineer is comfortable with yours and your son's homes so the main priority is Mr. Penree's home. His is a more urgent issues. Ms. Walawender asked if the issue could go further up towards her home? Stalteri stated there has been an influx in water in recent years and the retaining wall is at its yield point. He stated there are similar situations all over New York State that have become a big financial issue. We were told that they state is recommending a retreat and relocate to let mother nature take its natural course. We can't keep putting money towards this when we are not getting a permanent fix. He stated we are trying to do the best with the situation at hand.

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

CARRIED AYES ALL

07) Petitions and Communications.

Motion by Councilman Stalteri, seconded by Councilman Carbone, to accept and place on file all the petitions and communications 7A through E listed below.

- A. An emailed dated September 2, 2023 from Herkimer High School Student Council President, Kyle Carney, concerning homecoming festivities.
Deputy Supervisor Stalteri stated we should keep this under old business to make sure all parties involved are aware so the event is controlled. Highway Supt. Ward stated he will shut down the roads.
- B. A letter dated September 11, 2023 from East Herkimer Volunteer Fire Chief, Theodore Hiltz Jr., requesting use of the old elementary school on Pine Grove Road for fire training.
Deputy Supervisor Stalteri stated we have previously discussed this.
- C. Letters dated September 12 and 15 of 2023 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- D. A letter received September 18, 2023 from Business & Professional Association of Herkimer Treasurer, Jennifer Parmon, concerning sponsors for Herkimer's Annual Halloween Pumpkin Pageant & Parade.
- E. A letter dated September 18, 2023 from Supervisor Frank to Mohawk Valley Regional Economic Development Council Co-Chairs, Mr. Lawrence Gilroy III and Dr. Martin Terenzio, in support of the Village of Herkimer's application to become a New York Forward Designated Downtown Revitalization Community.
Deputy Supervisor Stalteri stated this is a support letter for the Village.

Motion by Councilman Carbone, 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 Carbone, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 35 of 2023 to exceed the annual tax cap.

CARRIED AYES ALL

Deputy Supervisor Stalteri stated some of these were due to an increase in insurance because we own more properties now and some are because of the creation of a line item for 160 Pine Grove Road expenses.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve all of the transfers recommended by Supervisor Frank.

CARREID AYES ALL

09) Old Business.

Water District: Highway Supt. Ward stated the EPA results came back and everything looks ok. There was a leak on Steuben Hill Road and in the meter pit for East Herkimer, both have been fixed.

McKenna Road Enhancement Project: Deputy Supervisor Stalteri stated he has nothing new to report.

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

East Herkimer Sewer District: Deputy Supervisor Stalteri stated we have a sewer district and we are close to going to bid. He stated we are waiting on the Army Corp of engineers because of beaver creek.

East German Street Extension: Deputy Supervisor Stalteri stated Highway Supt. Ward, Councilwoman DeCarlo and himself met with Bill Penree to discuss alternate access to his home. He stated we walked around and decided the best option was for a driveway to me put in across his front lawn. Highway Supt. Ward stated we could do a majority of the work ourselves. He expects the cost would be around \$5,100. He also stated we have a guardrail and the county has agreed to help put it in. Stalteri suggested that this be passed contingent on proper paperwork of the agreement and liability issues worked out with our attorney. He also stated because of the State of Emergency this doesn't need to go out for bid. Councilman Kast stated because this is an improvement to private property, the cost should be subtracted from the purchase price when we buy him out. The board agreed.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to allow Highway Supt. Ward move forward with this contingent on working with Attorney Bray to make sure all proper requirements are made.

CARRIED AYES ALL

Codes: Codes Enforcer Collis stated he went up to 936 Steuben Hill Road today and found two men are still living there but said they would be out by Friday. If they are not gone by Friday, Collis will be taking the troopers up with him to get them removed from the property. He stated there is still the issue of the violent dog there. Its owner is in jail but the two individuals living there now said they will not be taking the dog with them when they vacate the property. Deputy Supervisor Stalteri stated he will need to get in touch with Dog Control Officer Dunton and Deputy Attorney Crandall on how to proceed with this dog issue. Collis will do so. Collis also stated the issue with the neighbors in East Herkimer have been going on for years. The only issue he has a concern with is the lack of the lawn being mowed. Deputy Supervisor Stalteri stated a letter should be sent regarding our property maintenance law. Collis will do so. Councilman Carbone asked him he has been up to the barn on Delrose Ave. that has been getting complaints of drawing rats into the neighborhood. Collis stated he was unaware of this issue but will look into it. Collis also stated Massaro's have reached out to him in regards to a building permit for a 100ft x 30ft green house. This is allowed in an R-2 district but they will not be able to sell out of it. Deputy Supervisor Stalteri stated we had an issue with green house's in the past and the neighbors were not happy so please make sure everything is done correctly before issuing a permit. Lastly Collis stated he received a letter in the mail from the county of foreclosed homes in our Town, one of which was the trailer on Zoller Ave.

Landbank: Codes Enforcer Collis stated he needs to call Dave Dardzinski and ask why one of the trailers still has someone living it in who doesn't own it, doesn't pay lot rent and refuses to move out. Deputy Supervisor Stalteri stated all of the modular homes have been completed and are pushing to get them off their lot. He also stated it is his understanding that they are waiting for the funds to be released before they can move forward. It will be up to the Landbank to evict the person living there illegally as they are the land owners of that property.

Zoller Ave: Councilman Kast stated Codes Enforcer Collis and himself had visited the property and discovered if we are going to have the Authority take it down there would need to be an asbestos survey. He found a company (A-Z Environmental) that is able to do this for roughly \$2,000. The Authority covers the cost of labor and machinery but we are responsible for the tipping fee. Kast also stated he contacted national grid to make sure the utilities were turned off. The meter has been turned off. He stated the neighbor is claiming that the garage is on part of their property so we would need something drawn up with them for us to tear it down and for a right of way to do so. Attorney Bray stated are the current owner and the deed is on its way to be recorded. The board agreed to have Attorney Bray request the taxes be forgiven now that we have taken ownership. He also stated we will need to keep track of all expenses.

Motion by Councilman Kast, seconded by Councilman Carbone to approve A-Z Environmental to do the asbestos survey of the house and garage separately not to exceed \$2,500.

CARRIED AYES ALL

Piper Road: Deputy Supervisor Stalteri stated the surveying has begun and we should get out final estimates soon.

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Deputy Supervisor Stalteri stated he has nothing new to report. Highway Supt. Ward stated someone brush hogged the property last week.

ARPA Funding (Exercise Trail): Deputy Supervisor Stalteri stated we are hoping to have the final plans within the next couple of weeks so we can go out to bid. We are hoping to have it started and clear the path this fall to be able to pave it in the spring.

Updating Zoning Ordinance: Tabled.

Updating Zoning Map: Tabled.

Fireworks: Tabled.

EPA Testing East Herkimer Water District: Previously discussed.

Negotiations with Teamsters: Deputy Supervisor Stalteri stated we are trying to set a date and time to meet in the first week of October.

160 Pine Grove Road: Deputy Supervisor Stalteri stated we heard the East Herkimer Volunteer Fire Department will be utilizing this building for training. He also stated there has been no news on the vandalism.

Herkimer County Mitigation Plan: Tabled.

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: Deputy Supervisor Stalteri stated we have a meeting tomorrow with Town Park Supervisor Nasypany to discuss any updates. He also stated we are committed to doing it again next year.

Phones through AT&T: Highway Supt. Ward stated he has been unable to get ahold of the representative.

Signs Entering the Town: Deputy Supervisor Stalteri stated Supervisor Frank is working on this.

Extending Term Lengths: Deputy Supervisor Stalteri stated Supervisor Frank left a letter that he had drafted up as a recommendation to send out to the residents so they understand what we are proposing and this will give them more knowledge of it. Councilman Kast stated this is to inform the public what will be on the ballot.

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to approve the letter suggested by Supervisor Frank be mailed to all Town residents of the Town of Herkimer.

CARRIED AYES ALL

Parking on Town Roads: Highway Supt. Ward stated he called the Village and requested a copy of their parking regulations and is stilling waiting to receive them. He will follow-up with them on this.

10) New Business.

Password Policy: Deputy Supervisor Stalteri stated this is the password policy that Supervisor Frank has asked us to review for this is required for us to renew our cyber security insurance through NYMIR.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve the proposed password policy.

CARRIED AYES ALL

Charging Station for electric cars: Deputy Supervisor Stalteri stated he had a lengthy discussion with Supervisor Frank. The company he met with is proposing to put two charging stations at the town office building, two at the highway garage, and three to four at the town park. These would be put in at no cost to the Town. Deputy Supervisor Stalteri stated Supervisor Frank will be looking into this more.

11) Reports.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the East Herkimer Sewer District USDA Nationwide Programmatic Agreement dated 9/6/23, Executed Order, and Consent of the State Comptroller.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the NYS DOT Inspection of Shells Bush Road Bridge. Highway Supt. Ward stated this is a yellow flag with concerns of structural issues. He stated we will have to have an engineer come out and look at this to figure out what needs to be done so we can try to get grant funding to take care of all updates needed.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for July, 2023 from Budget Officer Marcia Baylor.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Cash Report for July, 2023 from Supervisor Frank.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the Emergency Orders 9/9 and 9/14 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Town Justices Reports for August, 2023 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated September 17, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated September 17, 2023.

CARRIED AYES ALL

Highway Supt. Ward stated the auction for the loader ended last Friday and the high bid was for \$16,600.

Motion by Councilman Carbone, seconded by Councilman Kast to accept the bid of \$16,600 for the loader.

CARRIED AYES ALL

Deputy Supervisor Stalteri stated Supervisor Frank and himself had met with Assemblyman Smullen for assistance with getting a sign put up before the bridge on State Route 5 going East to direct tractor trailers to Gros Boulevard. Smullen had said he would work on this for us.

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.) Michael Petucci to Attend AOT Conference and Training in NYC in February, 2024. **TABLED**
- 3.) Motion by Councilman Kast, seconded by Councilwoman DeCarlo to approve the purchase order for Road Sand.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Audit dated September 17, 2023.

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, October 2nd, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk