

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, December 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: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilwoman-----Kathleen DeCarlo
Attorney-----Christopher Bray
Highway Supt.-----Ken Ward
Codes Enforcer-----Ken Collis
Deputy Attorney-----Kyle Crandall

Excused: Councilman-----Vito Carbone
Councilman-----Randy Kast
Town Park Supervisor-----Kathi Nasypany
Dog Control Officer-----Erica Dunton

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 regular meeting held on December 4, 2023 as written.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated with no one here from the public he would entertain a motion to close the public meeting.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A certificate of liability insurance dated December 1, 2023 for Pike Construction Services, Inc. effective 12/1/2023 through 12/1/2024.
- B. A certificate of liability insurance dated December 1, 2023 for American Equipment, LLC effective 12/1/2023 through 12/1/2024.
- C. A letter dated December 4, 2023 from Supervisor Frank to Gerald Gay congratulating on being hired as his seasonal employee for the Town of Herkim Highway Department.
- D. A letter dated December 5, 2023 from the Herkimer County Industrial Development Agency Operations Manager, Victoria Adams, concerning a notice of public hearing for ELG Utica Alloys Holding Corp.
- E. A letter dated December 8, 2023 from Charter Communications Director of State Government Affairs, Alex Camarda, concerning upcoming changes in service.
- F. A letter dated December 14, 2023 from the Village of Herkimer concerning support of the municipal pool.
Supervisor Frank stated the Village gave up a report on their pool program and they are asking us to contribute more. For the last few years we've been contributing eight thousand. He stated we will follow-up with this again when we review the annual agreement with them.
- G. Letters dated December 15, 2023 from Supervisor Frank to Darren Bonaparte of the Saint Regis Mohawk Tribe of Indians and the Jesse Bergevin and Raymond Halbritter of the Oneida Indian Nation concerning the East Herkimer Sewer District.

Supervisor Frank stated he wrote the wrong letters to the tribes, so we will get the right ones sent out.

H. A certificate of liability and workers' compensation insurance dated December 15, 2023 for D&S Excavating LLC effective 1/9/2023 through 1/9/2024.

Supervisor Frank stated we have received the liability and workers comp insurance for the work being done on Zoller Avenue.

CARRIED AYES ALL

08) Routing.

09) Resolutions.

Attorney Bray stated he has one Resolution to raise the mailing fee for second notices from \$1 to \$2.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 41 of 2023 to raise the mailing fee notice from \$1 to \$2.

CARRIED AYES ALL

Attorney Bray stated the low bid was Central Paving and we also received a recommendation from our consultant recommending we go with Central Paving so he would recommend we go with them as well. Supervisor Frank stated the total quote from Central Paving was \$560,900 with all of the add-ons. This was roughly 24% less than what was estimated. Supervisor Frank stated the General Construction quote was for \$281,900 and we will use our ARPA funding for this and the remaining \$18,000 left after using our ARPA funds will be taken out of planning and safety budget. The quote for the concrete pad for the building was \$17,350 and this would also be able to be covered from our 2024 Budget. The quote for the LED lighting for the tennis and basketball courts was \$85,150 and we would need to borrow for this, which would be a five-year loan starting in 2025 that would be about \$13,000 a year and could be paid through our planning and safety budget. Councilman Stalteri and himself agreed that the quote for the solar lighting for the trail seemed expensive. We are exploring options and has reached out to NYSERTA. This requires an assessment of how energy efficient we are. The other option we discussed was the possibility of purchasing them ourselves and having the highway guys install them. Councilman Stalteri stated they couldn't justify the cost for the 27 solar lights but he thinks it is something that would greatly enhance the trail. He stated he has done some research and found much cheaper ones that he thinks would make sense for what we are using them for. Supervisor Frank stated we have room to work with in our budget and what we do would not be able to afford within the budget would need to borrowed. We will continue to do research.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 42 of 2023 allowing Supervisor Frank to talk to Central Paving and award them the bid for the general construction, additive bid number one which is concrete pad for building and additive bid number three which is the LED lighting of the tennis and basketball courts for the Town Parks Improvements Project.

CARRIED AYES ALL

10) Old Business.

Water District: Highway Supt. Ward stated he noticed the water usage was more than normal for Valley Health. He reached out to them and was told that they haven't found anything. Since then the usage has gone down, so he guessing they fixed something. He will continue watching it to be sure. He stated this started since our last reading.

Mckennan Road Enhancement Project: Supervisor Frank stated he reached out to the district deputy and let her know we have been waiting five months for this review. She stated we will have a review by the end of January.

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

East Herkimer Sewer District: Supervisor Frank stated we will correspond again to the tribes for the USDA funding. These letters are to make sure we are not disturbing any tribal lands. We have a letter from SHPO saying we aren't but also need to send out these letters to be in compliance with the USDA requirements.

East German Street Extension: Highway Supt. Ward stated the fence should be up on Wednesday.

Codes: Codes Enforcer Collis stated in regards to the solar project on Shells Bush Road, he had sent out the permit but now they are asking it to be issued in a different name than what is on any of the paper work we have so he is unsure what to do. Supervisor Frank stated we do have the bonding with them, we have the decommissioning agreement, the interconnection agreement with National Grid, and the building permit application says Pfister Energy, so that is who the permit was made out to. Supervisor Frank stated the solar company has an agreement with the Herkimer County IDA under the name Greenvault. Attorney Bray stated to be in accordance with our Solar Local Law if ownership changes, they are supposed to fill out the proper transfer of ownership form within the first thirty-days. Based on our fee schedule there is a by not doing so within the first thirty-days than there is a \$500 penalty and \$100 each day thereafter. Attorney Bray also stated he will reach out to our consultant attorney, Chris Biamonte, on this.

Councilman Stateri asked the status of Sally Durkee's fence. Codes Enforcer Collis replied stating that she had hired the guy who owns Heidleberg, Dan Bissel. Collis stated he spoke to him and was told he will fix it but when he drove by today it is still not fixed so he will follow-up on this. Councilman Stateri asked what are we going to do about the finished side of the fence not facing out, which is not in accordance with our zoning ordinance and or if this is considered grandfathered in. Either way something should be in writing of what it is and why. Collis stated he will send a letter out tomorrow. Codes Enforcer Collis stated Dan Bissel spoke to him about his interest in buying the house out at the end of East German Street Ext. and was wondering the status? Supervisor Frank stated we were trying to get a grant but were unsuccessful. We will continue to look for a funding source.

Zoller Ave: Supervisor Frank stated Councilman Kast called the contractor who stated he needs a letter of condemnation from the codes enforcer to send to the state in order for 202 Zoller Ave. to be taken down. Codes Enforcer Collis stated will get this done tomorrow.

Piper Road: Supervisor Frank stated we should get the report by the end of the year. Report one would be a band aid and not fix the drainage issues but there are some difficulties with accessibility of the road. The second report will show the need to put culverts and drainage pipes on the east side of the road and have the slanted towards the culverts to control the storm water and where it goes. Then they can do the sheet piling. This project is somewhat of a logistical nightmare because of the width of the road. The final report will include cost of final engineering.

Landbank: Supervisor Frank stated he has nothing new to report.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated Councilman Stateri and himself did a zoom meeting with the consultant and we should be seeing the rendering architect drawings soon. He stated we talked about the next step is to decide what we are going to do with the building. We will need to hold a public hearing to show the public what we've come up with.

ARPA Funding (Exercise Trail): Supervisor Frank stated we have another committee meeting 12/26 at 5:00PM here in the Town Hall.

Updating Zoning Ordinance: Tabled.

Updating Zoning Map: Supervisor Frank stated he will get the status of this.

Negotiations with Teamsters: Supervisor Frank stated we will go later into executive session to discuss this.

Herkimer County Mitigation Plan: Supervisor Frank stated this is in process.

Signs entering the Town: Supervisor Frank stated he needs to follow up on this.

Parking/Driveways on Town Roads: Highway Supt. Ward stated Attorney Bray presented him with what he has drafted so he will review it. Attorney Bray stated he drafted a parking local law and a curb cut local law.

Charging stations for electric cars: Supervisor Frank stated the applications have been submitted and the next step is for them to guarantee the funding.

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

Public Safety: Tabled.

Lien for work done to 936 Steuben Hill Road: Supervisor Frank stated he thought we were done with this. Attorney Bray stated we just need to send a copy of the resolution to County with the same as we would do for the water/sewer liens. Clerk DeMetro stated she was unaware of this as she has never handled a lien before but will send a copy of the resolution to the County tomorrow.

10) **New Business.**
11) **Reports.**

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Signed Agreement for Supplemental Services #2 for Construction Phase Services with Barton & Loguidice. Supervisor Frank stated this is for them to work on our behalf through this project.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Certification of Canvass of Election of fire Officers for the East Herkimer Fire District Commission.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Bid Opening Minutes for the Town Park Improvements Project dated 12/12/23.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Barton & Loguidice Recommendation for the Town Park Improvements Project.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the USDA Annual Report dated 12/8/2023.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Signed Agreement with C. T. Male dated 12/5/23 for the rehab of Shells Bush Road Bridge.

Supervisor Frank stated they want to come down Thursday at 10:00AM at the bridge to look at it. Highway Supt. Ward stated he will be there.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Signed Agreement with Fiscal Advisors & Marketing, Inc. dated 11/28/23 for the EHSD Project.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Emergency Orders 11/8, 11/13, and 12/18 for East German Street Extension.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated December 17, 2023.

CARRIED AYES ALL

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

CARRIED AYES ALL

11) Purchase orders and Audit.

There was no purchase order that was submitted for this meeting.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated December 18, 2023.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, second by Councilman Stalteri to go into Executive Session to discuss negotiations.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, second by Councilman Stalteri to adjourn from Executive Session and resume the regular meeting of the Town of Herkimer. No decisions made in Executive Session.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, second by Councilman Stalteri to approve teamster proposal with wording added by Attorney Crandall.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, 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, January 2, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk