

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, November 20, 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
Councilwoman-----Kathleen DeCarlo
Councilman-----Vito Carbone
Highway Supt.-----Ken Ward
Codes Enforcer-----Ken Collis

Excused: Councilman-----Daniel Stalteri
Councilman-----Randy Kast
Attorney-----Christopher Bray
Deputy Attorney-----Kyle Crandall
Town Park Supervisor-----Kathi Nasypany
Dog Control Officer-----Erica Dunton

03) Pledge of Allegiance to the Flag.

Councilman Carbone led us in the Pledge of Allegiance to the Flag.

04) Reading of the Minutes.

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone, to accept and place on file the minutes of the previous regular meeting held on November 6, 2023 as written.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous special meeting held on November 16, 2023 as written.

CARRIED AYES ALL

05) Public Meeting.

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

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A letter dated October 28, 2023 from the East Herkimer Volunteer Fire Department Secretary, Patrick Steffens, requesting funding.
Supervisor Frank stated he is unsure what they are looking for so he will reach out to see if he can get more details. He stated we do give money to them for the senior citizens to use the hall as well as donate to the Halloween event they hold. His feeling is if they need more funds they should raise their taxes.
- B. A letter dated November 6, 2023 from Department of U.S. Army Corps of Engineers Buffalo District Physical Scientist, Joseph Rowley, concerning the East Herkimer Sewer Project crossing Beaver Brook.
Supervisor Frank stated this is a letter from the Army Corps of Engineers stating they are ok with the project so now we are waiting on the DEC before we can go out to bid.
- C. A letter dated November 6, 2023 from Supervisor Frank to Michael Pula congratulating him on his promotion.
- D. A letter dated November 9, 2023 from the East Herkimer Fire Department Auxiliary asking for a donation towards their Warming Tree Program.

Clerk DeMetro stated the Auxiliary is asking for a donation towards their warming tree where they donate hats, mittens, and clothing necessities needed at elementary school. The town had donated in the past so we are asking for another donation this year. The board agreed to donate \$100.00 to the Auxiliary towards the warming tree.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to approve the donation of \$100 to the East Herkimer woman's auxiliary for the warming tree.

CARRIED AYES ALL

E. A Certificate of NYS Workers' Compensation Insurance Coverage for Pike Construction Services Inc. effective 12/1/2022 through 12/1/2023.

F. A Certificate of Liability Insurance for Tesla Energy Operations, Inc. effective from 10/31/2023 through 10/31/2024.

CARRIED AYES ALL

08)Routing.

09) Resolutions.

10) Old Business.

Water District: Highway Supt. Ward stated the bills were sent out and there was about a half of a dozen that showed leaks so he went and checked them out. There was nothing major for any of them. He stated BOCES has had a leak for a while now and he spoke to them again about it. They said they will look for it.

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

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

East Herkimer Sewer District: Supervisor Frank stated as you saw in communications we have heard from the Army Corps of Engineers that indicated our project is ok and now we are just waiting for a response from the DEC. Supervisor Frank stated he feels the financing of this will be complicated to manager and is suggesting that the town hire a company to do this for us since there are two different grants involved with different stipulations on when and how to get the Monday. He has reached out to the company we are working with for the West Herkimer Water Project and is waiting to receive a proposal from them. He stated this is something that typically the grant funding covers the cost for. He stated the end result is a long term debt for the entities involved and he wants to make sure everything is correct. Supervisor Frank stated Water Clerk Rivers received a report that Utica Alloys had closed on their building. This is good news.

East German Street Extension: Highway Supt. Ward stated B&K Fencing who had quoted us for the quote notified him that the cost has gone up from \$9,200 to \$10,400. He stated they will be putting the fence up within the next couple of weeks. Ward also stated we will be putting the guardrail up soon as well. Supervisor Frank stated he would like to note that B&K Fencing was the only one who responded with a quote for this work to be done.

Codes: Codes Enforcer Collis asked if a building permit should be required for the demolition of 202 Zoller Ave.? The board agreed that whoever is going to demo it should get a permit first. Collis also asked if it was ok to issue the permit for the solar project on Shells Bush Road?

Supervisor Frank stated our consultant engineer said the that the landscaping is now acceptable. He also stated with this being said we can issue the permit but we should request to have these plans on file at the Town Office.

Zoller Ave: Highway Superintendent Ward stated we cut the brush down last week and disconnected the water and sewer lines. Supervisor Frank stated we had been previously notified by National Grid that the gas and power. Supervisor Frank stated we've been having conversation with the Landbank to do this. They sent a memorandum of understanding that Supervisor Frank had a couple of issues with. One issue he has is that the Landbank would have a say in the future use of the property and another issue is there would be some restrictions. Also with the Landbank, who knows when they would get this done for us. He also questioned if by working with them it they would have rights to the property. He stated we do have some funds available from the Zombie grant but it is a revolving fund, therefore any money we use would have to be returned. He stated we have three quotes already for the demolition and asked the board how they would like to proceed. The board agreed to move forward on our own and use the funds from public safety to get this done. Councilman Kast has been handling the majority of this and

obtained the quotes so Supervisor Frank recommends we let him choose who should do the demolition for us. The board agreed.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to approve the purchase order for the demolition of 202 Zoller Avenue upon the recommendation of which of the two lower bidders Councilman Kast recommends.

CARRIED AYES ALL

Piper Road: Supervisor Frank stated he has nothing new to report.

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

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Supervisor Frank stated we have previously discussed the status of this and he will contact our consultant to get the plans.

160 Pine Grove Road: Supervisor Frank stated last week we received a signal from the fire system that it was too cold to operate. Councilman Kast and his step-brother worked to make a temporary fix to get the temperature in this area of the building where it needs to be. The East Herkimer Fire Department will have a drill there tomorrow from 6-8.

ARPA Funding (Exercise Trail): Supervisor Frank stated we are out to bid. We will hold the bid opening on December 12th at 11:00AM. Supervisor Frank stated we are forming a group to celebrate the opening of the trail and the fitness court. We are meeting here on the 28th. We are inviting some members of the community to help us with this. Councilwoman DeCarlo stated she has invited some of the people she plays pickle ball with. The celebration date is set for July 18th of 2024.

Updating Zoning Ordinance: Tabled.

Updating Zoning Map: Supervisor Frank stated he hasn't heard a response back from Planning Board Chairman Mark Gaworecki or Attorney Christopher Bray.

Fireworks: Supervisor Frank stated he hasn't heard anything.

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

Farmers Market: Supervisor Frank stated Councilman Stateri and himself are meeting with Town Park Supervisor Nasypany tomorrow at 11:00AM.

Herkimer County Mitigation Plan: Supervisor Frank stated this has been submitted to the State for approval.

Signs entering the Town: Supervisor Frank stated he is waiting on proofs.

Extending term lengths postcard: Supervisor Frank stated Attorney Bray need confirmation from the County Board of Elections that the vote has been certified before it can be sent to the State.
Parking/Driveways on Town Roads: Highway Supt. Ward stated Attorney Bray is supposed to be drawing something up for us.

Charging stations for electric cars: Supervisor Frank stated he has nothing new to report.

Friends of Town of Herkimer/Not for Profit: Supervisor Frank stated he thinks this is something that we should do for the Town.

Public Safety: Supervisor Frank stated he has nothing new to report.

10) New Business.

Legislator Robert Schrader stated he wanted to let the town know that Birkshire Bank is going to be foreclosing on 936 Steuben Hill Road so the Town needs to put the past due water bills and cost of the cleanup of the property as a lien on the property so we can get that money reimbursed when the bank forecloses. He stated Kim Enea has been appointed as the County Administrator. He stated this is expected to be a short sale so the Town should make sure this lien is put on right away before it's too late. McCarthy Law Firm is the firm working for Birkshire Bank on the foreclosure.

11) Reports.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Application for Use of Community Facilities from E.H.F.D for 160 Pine Grove Road.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Dog Control Officer Inspection Report rated "Satisfactory" on 11/7/23.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilwoman DeCarlo to accept and place on file the NYSDEC SPDES General Permit for Storm water for the Town Park Improvements.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the Herkimer Town Park Improvements Advertisement for Bids.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for September, 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 September, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders 10/8, 10/13, and 10/18 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 October, 2023 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated November 19, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated November 19, 2023.

CARRIED AYES ALL

1.1) Purchase orders and Audit.

There is one purchase order that was submitted for this meeting.

- 1.) Kathleen DeCarlo to attend a newly elected training in Albany in January, 2024.

Supervisor Frank stated the Association of Towns put this training for newly elected officials every year.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to approve the purchase order from Kathleen DeCarlo to attend the newly elected training in Albany in January, 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated November 20, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to go into executive session for negotiation.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, 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 4th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk.