

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, February 3, 2025, at 6:00PM at the Herkimer Town Hall located at 114 North Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank  
Councilman-----Vito Carbone  
Councilman-----Daniel Stalteri  
Councilwoman-----Kathleen DeCarlo  
Councilman-----Randy Kast  
Attorney-----Christopher Bray  
Codes Enforcer-----Ken Collis  
Town Park Supervisor-----Kathi Nasypyany

Excused: Highway Supt.-----Ken Ward  
Deputy Attorney-----Kyle Crandall  
Dog Control Officer-----Erica Dunton

03) **Pledge of Allegiance to the Flag.**  
Councilman Kast 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 January 20, 2025 as written.

CARRIED AYES ALL

05) **Public Meeting.**  
Supervisor Frank stated if anyone from the public would like to speak to please state your name and why you are here. Supervisor Frank explained there will be an informational meeting following the Public Meeting to discuss the solar project on Folts Road.

Robert Schrader of 115 Dickie Ave, stated that he is a Herkimer County Legislator. He is speaking on behalf of his voters as well as himself as he resides in the Town of Herkimer. Mr. Schrader stated that he would like to know why the town taxes have gone up by 12 percent in the past 2 years. Supervisor Frank stated that the assessment went down, we are under the tax cap and the levee was 2 percent. Mr. Schrader stated that the county has only went up 6 percent in 14 years. He has two properties in the Town of Herkimer and 100 dollars per property is a lot. He stated that it is taking away taxpayers money and he would like a copy of the budget to look at. Mr. Schrader asked what machinery are you buying that is causing the taxes to increase? He heard that the Town is buying brand new machinery. Supervisor Frank stated that he is willing to sit down and explain the budget to Mr. Schrader.

Brooke Jones of 231 Folts Road stated she works for the Herkimer School District and she resides in the Town of Herkimer. Mrs. Jones stated that she received two letters regarding the solar project on Folts Road. She stated that her home is up for sale and had buyers back out when they found out there will be a solar farm going in across the street. Mrs. Jones stated that this project is effecting her property value. Supervisor Frank stated that there will be an informational meeting in a couple minutes with reps from the solar company, our consultant attorney and our consultant engineer.

Supervisor Frank asked if there was anyone else who would like to speak before we go ahead with the informational meeting for the solar project on Folts Road. With no one coming forward to speak, Supervisor Frank opened the informational meeting with introducing our consultant Attorney Chris Baimonte from the Wladis Law Firm, our consultant engineer Frank Palumbo from C.T Male Associates and Puresky representatives, Terry Rasmussen and Matt Moyer. Supervisor Frank stated that Chris Baimonte will start the meeting by giving us an update on the status. Chris Baimonte stated that the application was sent to the Town Board in March of 2024, the Town Board then sent the application to the Town of Herkimer Planning Board who reviewed the project

and sent back a report with recommendations to the Town Board. The Town Board held a Public Hearing on November 18, 2024. The Town Board will need to complete the SEQR process which will have a negative or positive declaration. A negative declaration meaning no impact and a positive declaration meaning there is an impact. Terry Rasmussen stated that the project will be set far back to address the concerns of the last correspondence. Frank Palumbo stated that the screening and the images of the land are only of what you can control. Terry stated that on Folts Road and Edger Street there is no existing screening. Terry stated that there will be offsite vegetation and there is a hill that will mitigate east owner's properties. High tension power lines north south and east west prohibit them to adding to the easements. Frank Palumbo stated that there should be a little more diversity to the vegetation, not just one ever green tree. There was another project in town with more extensive landscaping. He stated that they should be able to add if we feel something more is needed. Supervisor Frank stated there was a concern with health and putting panels on the property with high tension poles, is there any cause for alarm? Terry stated that the voltage is low and that there are low levels of electromagnetic fields, same with the power lines. There is no radiation strong enough to cause cancer from the panels and the high tension power lines. Frank Palumbo asked what is the distance from the perimeter fence to the panels? Matt Moyer stated 20 feet. Frank Palumbo stated that he had his electrical engineers make sure there is no markings that takes place with electrical. He stated that how much could be radiating to the neighbors is low and that it is not reading a hazardous level. Councilwoman DeCarlo asked what is the noise level? Terry stated that there is a small amount of noise but 100 to 200 feet away you will not hear anything, there is no offsite noise. Brooke Jones stated that how often do you plan on decommissioning or changing of equipment? Terry stated that they put the equipment in and it is good for 25 years. If they stop operating the town can take the money from the bond to decommission. Chris Baimonte stated that there is a tech plan and a legal agreement to use the bond, the applicant will pay the amount of the bond. Councilman Stateri stated how did we arrive that the amount is sufficient? Chris Baimonte stated that the state has done an estimate and the applicant submitted those numbers. The applicant will also post an inflation bond. Councilman Stateri stated that there is new administration in the federal government that will be defunding solar, does this affect you? Terry stated that nothing has been announced yet but the tax credit would be grandfathered in. Councilman Stateri asked do either of you live near a solar farm? Matt Moyer answered no. Terry answered no but I have them on my house. Kimberly Harris of 152 Folts Road stated that the solar projects are right up against her property, how are they going to benefit from this? Terry stated that they can sign up for a 10 percent discount. Kimberly Harris asked will there be a public vote? Chris Baimonte stated that it is subject to the Town Board and that there will be no public vote. Kimberly Harris asked how many panels? Matt Moyer stated that there will be 12,000 panels and the tracker racks hold several panels. Brooke Jones asked how many acres? Matt Moyer stated that it is 26 acres. Kimberly Harris asked where is the electricity going? Terry stated that mostly will be consumed locally and the rest will be transmitted. Supervisor Frank asked will the community be able to sign up first? Terry stated that they send out notices to the residents for them to pick which project they would like to hook up to and they can manage their own subscription. Supervisor Frank asked will National Grid still bill? Terry stated that there will be a single bill from National Grid and the discount will be on the bill. Robert Schrader asked are you using batteries? Fire companies cannot put out the fire if you use batteries. Will there be something in the budget? Will you be putting it right back into the grid? Terry stated that they do not use batteries. There is a Pilot agreement and fire will be paid as well. Brooke Jones stated that coming up Folts Road, the vegetation does not cover that side of Folts Road. Matt Moyer stated that the screening does show it will. Supervisor Frank stated we may need to add more vegetation. Councilwoman DeCarlo asked will the snow impact the panels? Terry stated that the panels are flat, move, and heat up. Councilman Carbone asked how did you get this area? Terry stated that they identify the area then they reach out to the owner to see if they are interested and negotiated a deal. Councilman Carbone stated that there is land by Lowe's, have you ever looked at that property? It is not near houses. Terry stated no we have not looked into it. Kevin LaQuey of 1080 Steuben Hill Road stated there is another solar project that stalled out because of parts. Codes Enforcer Collis stated that the project is all set they are just waiting for National Grid. Kevin asked is the bond guaranteed if they go under, iv see projects that get flipped to new owners. Chris Baimonte stated that the bond is as good as the insurance company. Terry stated that they do not flip projects, they are the sole owner. Chris Baimonte asked what is the heat impact? Terry stated that it depends, 2 degrees but rapidly decreases, it is more beneficial for your plants and it keeps them cooler during the day.

Brooke Jones asked is it 20 feet from the road? Matt Moyer stated that it is 110 feet from the road. Frank Palumbo stated that it is difficult to answer that there will be no impact but heat creation is not a reason to deny. I suggest adding screening where the houses are for when the residents look out their porch. Councilman Kast asked which trees will you be using? Matt Moyer stated that we have a variety but Evergreen, Deciduous, White Pine and a few others. Brooke Jones asked how large are the trees? Terry stated that they are 5 to 6 feet. Frank Palumbo stated can you provide protection on the trees and guarantee them for a period of time. We want to make sure that what the people are expecting is a guaranteed and you are following the landscape requirements. Terry stated that they replace dead trees and tend to the trees. Brooke Jones asked what is the height of the panels? Terry stated that they are 12 feet. Brooke Jones stated that there is a hill, they will be seen. Terry stated that with growth, it will not be seen. Kimberly Harris asked what impact will it have on the animals? Terry stated that there is no threat to the animals. Small animals can go through and deer will have to go around. Chris Baiamonte stated he looked into the conflict of interest with a Planning Board member and he does not think there is a conflict of interest. The member has no permitting authority. Chris Baiamonte stated that there will be a Road Use Agreement and a Road Use Bond which is if they effect the pavement the solar company will pay for damages. Kimberly Harris asked will there be an increase of traffic? Terry stated that during the first 6 months, in the morning and when residents are usually at work. After that will be monthly visits and visits for grass maintenance plus snow removal. Councilman Kast asked will you be maintaining by mowing the grass? Terry stated yes 2 to 3 times a year. Brooke Jones asked where there be a glare from the road? Terry stated that the panels follow the sun throughout the day and they have a reflection coding on them, there is a small chance of impact. Chris Baiamonte stated that all agreements have been hashed out, the next step is to finish SEQR by declaring a negative or positive declaration and to vote on the project. Both can be done tonight depending on the board. Supervisor Frank stated that the town has hired Frank Palumbo and Chris Baiamonte but they are paid through an Escrow Account that is funded by the developer, there is no tax dollars being used. Frank Palumbo stated that all interactions for himself and Chris Baiamonte are with the town. Robert Schrader asked what percentage of the pilot are they paying? Terry stated that it is about even. Supervisor Frank asked through the town? Terry stated the town, IDA, county and school. Supervisor Frank stated that when we get to New Business on the agenda he will ask the board what they want to do and they will be able to vote then on the SEQR and the project.

Motion by Councilwoman DeCarlo, seconded by Councilman Stateri 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 petition and communication A through O listed below.

- A. A letter dated December 31, 2024 from Aon Risk Services concerning electronic copies of certificates, Certificate of property AstroTurf Corporation and Certificate of Insurance for Nagle Athletic Surfaces Inc.
- B. Apportionment Summary for 2024 Quarter Based on the 2023 Tax Roll dated January 14, 2025 from the Herkimer County Sales Tax
- C. A letter dated January 15, 2025 from the New York State Gaming Commission concerning the Annual Report on Bingo and Games of Chance.
- D. A letter dated January 16, 2025 from Justice Manne and Justice Pettucci to Supervisor Frank concerning The Herkimer Town Court Audit  

Supervisor Frank stated that there will need to be another court audit in 2025. Councilwoman DeCarlo stated that she would like to be a part of the audit.
- E. A letter dated January 17, 2025 from Brooke Jones to the Herkimer Town Board concerning the proposed ASD Folts Road Solar Project

- F. A letter dated January 22, 2025 from Steven R. Billings, Personnel Officer, to Supervisor Frank concerning the 2024 Annual Report of the former Herkimer County Self-Insured Workers' Compensation Plan.
- G. A letter dated January 24, 2025 from Supervisor Frank to ConnectALL concerning the Town of Herkimer's support for the Broadband Equity, Access and Deployment (BEAD) Program for Verizon.
- H. A letter dated January 27, 2025 from Supervisor Frank to Wayne Bonsteel, Azar Design Company, concerning the Tentative Designation and Scope of Services Meeting for Shells Bush Road.
- I. A letter dated January 27, 2025 to Jim Edwards, C.T Male Associates, concerning the Tentative Designation and Scope of Services meeting for Osborne Hill Road.

Supervisor Frank stated that tomorrow there will be a meeting with the firms for the Bridge NY Project. Contracts still need to be written up for the project. Councilman Stalteri stated that these are grand funded projects and will need a 10 percent or 15 percent local match.

- J. A letter dated January 28, 2025 from Supervisor Frank to Nicolas Reid regarding his full time employment with the Highway Department of the Town of Herkimer
- K. A letter dated January 18, 2025 from Charter Communications concerning an upcoming change.
- L. Designation of Restricted Highway dated January 28, 2025 from the New York State Department of Transportation
- M. New York State Department of Health Water Sample & Operations Report for Herkimer WD #3 (Highland/Steuben)
- N. New York State Department of Health Water Sample & Operations Report for Herkimer WD #4 (Lowes)
- O. A letter dated January 31, 2025 from Charter Communications concerning an upcoming change

CARRIED AYES ALL

#### **07)Routing.**

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Herkimer County Water and Soil Annual Report for 2024

CARRIED AYES ALL

#### **08) Resolutions & Transfers**

Supervisor Frank stated that the BAN Resolution is for the Western Star Truck and interest.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve Resolution No. 8 of 2025- BAN Resolution No. 8 of 2025

CARRIED AYES ALL

#### **09) Old Business.**

Water Districts: Supervisor Frank stated that last week the Highway Department read water meters. There is an annual letter in Petitions and Communications from the DEC for the water districts. He stated that there are no other updates as Highway Superintendent Ward is not in attendance tonight.

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

West Herkimer Water: Supervisor Frank stated that there is nothing new to report.

East Herkimer Sewer District: Attorney Bray stated that he emailed the subdivision application to the owner of the property and notified them that we waved the application fee. Easements will need to be cleaned up. We will need to do the forms and reports before we bid out the project. Supervisor Frank stated that we are still waiting for the permits.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated that there is nothing new to report

Codes: Supervisor Frank stated that there is nothing to report

Landbank: Councilman Stalteri stated that Tolga had reached out regarding the sewer district.  
Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated that they met with last week about the potential usage of 160 pine grove road for our town. They did a preliminary report, as well as looked at the cost and estimates.

Town Park: Town Park's Supervisor Nasypany stated that the ice skating rink does not look good for this year. They tried to make it smaller but between the wind and the weather it's not going to happen this year. She stated that hopefully next year it will look better as we will have more time to plan. Next Town Park Committee meeting will be held this coming Wednesday at 5:00 PM at the Town Hall.

Updating Zoning Ordinance: Tabled.

Signs entering Town: Tabled.

Charging Station for electronic cars: Supervisor Frank stated that there is nothing new to report as Highway Superintendent Ward is not in attendance tonight.

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

Public Safety: Supervisor Frank stated that there is nothing new to report.

Pullmans Flats Water Valve Repair: Supervisor Frank stated that there is nothing new to report as Highway Superintendent Ward is not in attendance tonight.

Ampion Community Solar Agreement: Tabled.

Zoning Board of Appeals- One Appointment available: Supervisor Frank stated that we are still have an opening for the Zoning Board and are looking for recommendations for an appointment. The Town Board had no recommendations for the position.

#### 10) **New Business.**

Supervisor Frank stated that now is the time for the board to vote for a negative declaration or a positive declaration, a negative declaration meaning no impact and a positive declaration meaning there is an impact. Supervisor Frank asked the board what that would like to do regarding the SEQR (the State Environmental Quality Review). Councilman Kast stated that he would like to table it and the Town board agreed.

Motion by Councilman Kast, seconded by Councilman Stalteri to table the State Environmental Quality Review for the ASD Folts Solar Project.

Supervisor Frank stated that the Town of Herkimer will inform the public when their will be a vote on the ADS Folts Solar Project. Chris Baiamonte stated that his office will arrange a notice to send out to the public when the vote will be.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo upon recommendation of Supervisor Frank, that Councilman Stalteri be re-appointed as Deputy Supervisor for a one-year term, 01/01/2025 to 12/31/2025.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve Azar Design Co. to provide a scope of services and fee schedule for the 2023-2024 Bridge NY Shells Bush Road Bridge Project.

CARRIED AYES ALL

#### 11) **Reports.**

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Executed Contract for March Associates for 160 Pine Grove Road.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file, the December 2024 Bank Reconciliation from Budget Officer Baylor

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file, and approve the C.T Male Associates Invoice dated November 21, 2024

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file, and approve the Wladis Invoice WLF Solar Project dated January 31, 2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Annual Code Administration and Enforcement Report for 2024

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept and place on file the NYMIR Insurance Claim Report for the Freightliner.

Supervisor Frank stated this is for the plow at the Highway Department that was in an accident in December.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Annual Report on Bingo and Games of Chance Activities for 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated 1/21/2025, 1/26/2025 and 1/31/2025 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Renewal State of Emergency Declaration dated January 21, 2025.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated February 2, 2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated February 2, 2025

CARRIED AYES ALL

**11) Audit.**

Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file and approve the Audit dated February 3, 2025.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to go into Executive Session for a personnel matter.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to adjourn from Executive Session and resume the Regular Meeting of the Town Board with no decisions made in Executive Session.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilwoman DeCarlo, seconded by Councilman Kast, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, February, 17, 2025 at 6:00PM.

CARRIED AYES ALL

*Kristal Moore, Herkimer Town Clerk*