

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, March 17, 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-----Randy Kast
 Councilwoman-----Kathleen DeCarlo
 Highway Supt.-----Ken Ward
 Attorney-----Christopher Bray
 Codes Enforcer-----Ken Collis
 Town Park Supervisor-----Kathi Nasypany

Excused:

Councilman-----Daniel Stateri
 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 Kast, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous regular meeting held on March 3, 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.

Albert Lowell of 935 Shells Bush Road asked what is being done about 921 Shells Bush Road? Codes Enforcer Collis stated he is scheduled go to the property tomorrow with the Sheriff's office to evict them. They were given a 10-day notice to vacant the property, there is 3 or 4 people still in the home. It looked like they were loading up a truck yesterday but they should be out by tomorrow. Once they are out we will have someone come and board up the house. Albert Lowell asked what happens to the property? Supervisor Frank stated that the owner has not paid the taxes in two and a half years, the property is in limbo. Attorney Bray stated that we have a property maintenance law and we would give notice to the owner to clean up. We had this happen before and the Town contracted out privately. The Town did not want any of the Highway Department getting hurt as there was hazardous material and we wanted it handled properly. Albert Lowell stated I understand and agree with that. Attorney Bray stated that last time was successful, the money came from the bank to clean up. It all starts with a notice to the owner. Albert Lowell asked how long until they can sell the property? Attorney Bray stated that the owner can sell at any time but it would go into foreclosure if they do not sell. Albert Lowell asked how about the Town? Supervisor Frank stated that the County is in charge of Foreclosures, we have a couple County Legislatures here that may be able to speak on that a little more. Mark Gaworecki of 107 East Street and Herkimer County Legislature for District 2 stated that it might take a couple years for the county to Foreclose the property, they follow the 19A procedure. Supervisor Frank stated it does take sometime for it to be foreclosed, do you have contact information for the owner? Albert Lowell stated that he tried to contact him to buy the property but his name is Ben Pierce. Ben Pierce used to live on Eastern Ave in Herkimer and the phone number that Albert has for him is disconnected. Codes Enforcer Collis stated that it is the same phone number he has for Ben Pierce and he also has another address for him in Little Falls. Supervisor Frank stated that we will try to track him down. Albert Lowell stated that he has had to kick the people that are living in the home off his property and it has been difficult for him to live next to. Supervisor Frank stated that we will locate the owner of the property and get the people out of the home. Mark Gaworecki stated he wanted to thank Codes Enforcer Collis and Supervisor Frank for all their help with this situation.

Joe Roy of 310 Palisades Street asked can the Town replace the stop signs in East Herkimer as they are not reflecting as well as they used to. Highway Superintendent Ward stated the Highway Department will start replacing them once the winter is over.

Supervisor Frank stated that while we have members of the public in attendance at tonight’s meeting. We have a vacancy in our zoning board of appeals. If anyone is interested or knows someone who would be interested in becoming a committee member for the ZBA to contact the town. Mark Gaworecki stated the Planning Board is looking for an alternate as well.

Supervisor Frank stated that the Town Board will be voting on the Solar Farm at the second meeting in April, which will be held on April 21st, 2025. Joe Roy asked what are they voting on? Supervisor Frank stated that the Town Board will be voting on the Special Use Application. After the Special Use Application, the process then goes to the Codes Department for a building permit. The Solar Company has stipulations that they need to get approved by the Codes Department before they can get a building permit, such as the decommissioning plan and more.

Albert Lowell asked for 921 Shells Bush Road can the demolish be buried on the property or does it have to be hauled out? Codes Enforcer Collis stated it has to be hauled out.

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone 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 listed below.

- A. A letter dated March 13, 2025 from Renee Hotaling, Animal Health Inspector, concerning the Municipal Shelter Inspection report dated 3/7/2025

CARRIED AYES ALL

07)Routing.

08) Resolutions & Transfers

Attorney Bray stated that Resolution No. 12 of 2025 is to schedule a public hearing to increase the water rates for the Town of Herkimer. Supervisor Frank stated that the Village of Herkimer is needing to raise rates and they are in their budget process right now. There will be a public hearing on April 7, 2025 and the Board will vote on it then.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file, and approve Resolution No. 12 of 2025- to schedule a Public Hearing to Establish New Water and Sewer Rates for Districts in the Town of Herkimer.

CARRIED AYES ALL

Supervisor Frank stated that a Court Audit was done on March 11, 2025 for the Town of Herkimer Court. Resolution No. 13 of 2025 is to accept and place on file the Court Audit for the Town of Herkimer Justices.

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file Resolution No. 13 of 2025- to accept the Town of Herkimer Justice Court Audit.

CARRIED AYES ALL

Attorney Bray stated the East Herkimer Sewer District is grant funded through Northern Border Regional Commission. Our contract end date for the grant is September 30, 2025. The Town of

Herkimer is requesting a two-year extension of the grant, to make the contract end date September 30 of 2027. Resolution No. 14 of 2025 is to request the extension.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file Resolution No. 14 of 2025 – to request an extension for the contract end date on funding from Northern Border Regional Commission for the East Herkimer Sewer District.

CARRIED AYES ALL

09) Old Business.

Water Districts: Highway Superintendent Ward stated that there is nothing new to report.

McKenna Road Enhancement Project: Supervisor Frank stated we got a response from the Department of Health. The Town of Herkimer responded to the list of things they wanted us to include and the engineer answered their questions as well. We are waiting for the permit.

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

East Herkimer Sewer District: Attorney Bray stated that the owner submitted a subdivision application and the next Planning Board meeting will be April 9, 2025. Once approved by the Planning Board we can send the USDA Application and have it titled. Supervisor Frank stated that we did the Agreement with the Auditor and we are reviewing the bond documents as well. We are looking to go out to bid at the end of April. Robert Schrader of 115 Dickie Ave and Herkimer County Legislature District 3 asked will the residents have to hookup to the sewer district? Supervisor Frank stated that it is optional for the residents to hook up and it is more of a commercial sewer district. Robert Schrader stated it is not going to fall on the taxpayers.

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 new to report.

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

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated we handed out a survey to the community in 2023. The survey was to see what residents wanted the building to be used for. Residents wanted to see a Community Center. We are meeting with the architectural firm to make a plan for 160. We need to see what parts of the building we can utilize and what the cost is going to be.

Town Park: Town Park Supervisor Naspany stated that the Town Park Committee is working on two events for this year at the Herkimer Town Park. A Wellness Fair on June 14, 2025 and a Community Days on July 26, 2025. Supervisor Frank asked have you heard anything back about the Kickball League? Town Park Supervisor Naspany stated that she has not heard anything back about the kickball league.

Updating Zoning Ordinance: Tabled.

Signs entering Town: Tabled.

Charging Station for electronic cars: Highway Superintendent Ward stated that the charging stations are all done and working.

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: Highway Superintendent Ward stated that there is no update.

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. Supervisor Frank asked if the public or the board had any recommendations. The Town Board and the public had no recommendations for the position.

10) New Business.

Supervisor Frank stated the Association of Towns is offering a program through Homeland Security with one of the top cybersecurity firms in the world. The program is fee and they offer real time data/cybersecurity. The agreement would include the Village of Herkimer but the agreement is with the Town of Herkimer. It is a three-year agreement. Councilwoman DeCarlo asked is there a fee after the three years? Supervisor Frank stated no.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept, place on file, and authorize Supervisor Frank to sign the Intergovernmental Agreement for the Provision Endpoint Protection and Response Services.

CARRIED AYES ALL

Supervisor Frank stated that we are required to have an Auditor Agreement for the East Herkimer Sewer District by the USDA.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept, place on file and authorize Supervisor Frank to sign the Auditor Agreement for the East Herkimer Sewer District with Bonadio & Co. LLP.

CARRIED AYES ALL

Supervisor Frank asked is there anything else for new business. Councilwoman DeCarlo stated that she attended a meeting for Veterans Banners. The Town of Herkimer will be offering Veterans Banners to be hung up on the poles in the Town and Village of Herkimer. Residents can purchase a banner for \$210.00 and applications will be sent to Devin Macdonald. National Grid is installing new poles in the village and we will have to contact them to see if it is okay for us to hang the banners on their poles. Supervisor Frank asked how will we be reaching the public? Councilwoman DeCarlo stated social media and flyers. Supervisor Frank stated that Councilwoman DeCarlo attended the first meeting and Councilman Carbone will be attending the second meeting on Tuesday at the Elks Club. Supervisor Frank asked was the county there? Councilwoman DeCarlo stated that they were not there. Mayor Dana Sherry was in attendance for the Village of Herkimer. Robert Schrader stated that he can reach out to the County Veterans Affairs, Rich Louis and suggested that we reach out to the VFW as well.

11) Reports.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Town Clerk's Monthly Report for February 2025 from Clerk Moore

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Town Justice Reports for February, 2025 from Justice Manne and Justice Petucci

CARRIED AYES ALL

Supervisor Frank stated that we cannot pay the Wladis law firm invoice until the escrow is replenished.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file, and approve the Wladis Law Firm invoice dated March 3, 2025 once the escrow is replenished.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Town Clerk Meeting Minutes dated March 12, 2025.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept and place on file the Executed Contracts with FCM Engineering for services related to the Bridge NY Osborne Hill Culvert Project and the Shells Bush Road Bridge Project.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Executed 2025 IT Contract with Brian Keeler

CARRIED AYES ALL

Supervisor Frank stated this is the same contract for the East Herkimer Sewer District but in the USDA format.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Executed Contract with Prime Engineering meeting USDA/Rural development standards.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Executed 2025 Assessor Contract with Daniel Maxwell

CARRIED AYES ALL

Supervisor Frank stated that there are three renovation options to add a Handicap Assessable bathroom at Town Park Bathrooms. The Town Board needs to decide on an option then we can get cost figures. Option one is to leave it the way it is. Option two is the handicap assessable bathroom would be on the north side and we would have to move around the plumbing. Option three would be that the handicap assessable bathroom would be on the south side and we do not have to move around the plumbing.

Councilman Kast stated that we should go with Option 3 as it is cheaper and we would not need to move around the plumbing. Councilman Carbone stated that he agrees and thinks we would do option 3 as well.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve option three with the handicap assessable bathroom on the south side.

CARRIED AYES ALL

Supervisor Frank stated that the company for the Watkins Road Solar Project changed their name and the ownership of the company.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Name of the Solar Developer of Watkins Road Solar Project.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Department of Health approval of Engineering Plans for the East Herkimer Sewer District.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders dated 3/7, 3/12 and 3/17 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated March 17, 2025

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated March 17, 2025

CARRIED AYES ALL

11) Audit.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept, place on file and approve the Audit dated March 17, 2025.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Kast, 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, April 7, 2025 at 6:00PM.

CARRIED AYES ALL

Krystal Moore, Herkimer Town Clerk.