

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, April 7, 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
Codes Enforcer-----Ken Collis
Town Park Supervisor-----Kathi Nasypany

Excused: Councilman-----Daniel Stalteri
Attorney-----Christopher Bray
Deputy Attorney-----Kyle Crandall
Dog Control Officer-----Erica Dunton

03) **Pledge of Allegiance to the Flag.**
Councilwoman DeCarlo 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 March 17, 2025 as written.

CARRIED AYES ALL

05) **Public Hearing**
Supervisor Frank stated he would like to open the Public Hearing to Establish New Water and Sewer Rates for Districts in the Town of Herkimer. He asked if anyone from the public would like to speak relative to the New Water and Sewer Rates. Lee Getman of 304 Downey Ave asked why are the rates going up? Supervisor Frank stated that we have not raised the rates since 2023. The Village of Herkimer is in their budget process right now and they are raising their rates. The Town of Herkimer gets their water from the Village. We don't know how much they are going to be raising them yet but we are even par with what we pay the village and what you pay for your bill. We would like to stay even and ahead. Supervisor Frank suggested that we table the vote until we know the percent they are raising them and hopefully he will have a number by next meeting.

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to continue the Public Hearing and table the vote until next meeting on Monday April 21st, 2025 at 6:05PM.

CARRIED AYES ALL

06) **Public Meeting.**
Supervisor Frank stated if anyone from the public would like to speak to please state your name and why you are here.

Lee Getman of 304 Downey Ave asked what is going on with the solar on Folts Road? There were trucks going through Folts Road and it looked like they were working on something. Councilman Kast stated the trucks have nothing to do with the solar project. Codes Enforcer Collis stated they are changing out equipment on the cell tower. Lee Getman asked I heard that the mayor said she asked for donations for the public library and no one wanted to donate. Has the Town ever been approached by the Village of Herkimer for a donation to help with the library? Supervisor Frank stated that we have not heard anything or received a formal request.

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

CARRIED AYES ALL

07) **Petitions and Communications.**

Motion by Councilman Carbone, seconded by Councilman Kast, to accept and place on file all the petition and communication A through O listed below.

- A. A letter dates March 13, 2025 from Supervisor Frank to Amanda Viscomi concerning her retirement as the Town of Herkimer Bookkeeper.
Supervisor Frank stated he wanted to acknowledge that Amanda Viscomi retired as of February 28, 2025, she has been with the Town of Herkimer since 2000 and we wish her the best of luck.
- B. A letter dated March 13, 2025 from Supervisor Frank to Nicole Carbone concerning her appointment as the Town of Herkimer Bookkeeper.
Supervisor Frank stated that he wanted to recognize Nicole Carbone's appointment as Bookkeeper for the Town of Herkimer. Nicole was trained by Amanda Viscomi. Highway Superintendent Ward stated that Nicole is doing a great job. Supervisor Frank stated he agrees.
- C. A letter dated March 18, 2025 from National Grid, concerning the smart meter program update.
- D. A letter dated March 21, 2025 from Hon. Joseph A. Zayas, Chief Administrative Judge for the New York State Unified Court System, concerning a copy of the Audit and Resolution for the Court Audit of the fiscal year ending in 2024.
- E. A copy of a letter dated March 21, 2025 and the final application for the Herkimer Hydroelectric Project from Paul V. Nolan, Regulatory Council and Consultant for Stone Ridge Hyrdo LLC., to Hon. Debbie Anne A. Reese, Secretary for the Federal Regulatory Commission.
- F. A letter dated March 25, 2025 from Vincent J. Rossi Jr. from Rossi & Rossi to Supervisor Frank concerning the East Herkimer Sewer District.
Supervisor Frank stated that he is meeting with the Mayor of the Village of Herkimer to discuss the letter and he will have more to report next meeting.
- G. A letter dated March 27, 2025 from Charter Communications concerning an upcoming change.
- H. Governmental Insurance Disclosure dated March 27, 2025 from NBT Insurance Agency
- I. A letter dated March 28, 2025 from Supervisor Frank to Allison Madmoune, Regional Director for the Empire State Development Corporation concerning the East Herkimer Sewer District.
Supervisor Frank stated both funding sources will be extended to the end of 2026. There is a Planning Board meeting April 9, 2025. Once the subdivision is approved we can move forward with the project as we will have procession of the pump. The USDA will review the BOND documents that they have had since February. Plans will go out around May and we are opening to have bidding out by June or July. The construction will start in the fall and be done by next fall. The Empire Money ends in September of 2025 and the Northern Borders ends in December of 2025. We cannot extend Northern Borders until Empire extends.
- J. A notice dated March 28, 2025 from the Herkimer County IDA concerning a Notice of Public Hearing for the DNA Hoops, Inc.
Supervisor Frank stated this is for the new sports facility on Gros Blvd.
- K. An email dated March 31, 2025 from Pure Sky Energy withdrawing their application for special authorization for the ASD Folts Road NY Soalr project

Supervisor Frank stated PureSky Energy is withdrawing their application to build the Solar Farm on Folts Road. The Solar Company could not come to an agreement with National Grid. We have two or three invoices to pay our consultant attorney and consultant engineer but the Escrow is not replenished, we will have to figure out how that will work.

Motion by Councilwoman Kast, seconded by Councilwoman DeCarlo to accept and place on file PureSky Energy's withdraw of their application for special authorization.

CARRIED AYES ALL

- L. An email dated April 1, 2025 from Victoria Burrs to Supervisor Frank requesting to use the softball fields at the Herkimer Town Park for Herkimer Girls Youth Softball and a certificate of insurance

Supervisor Frank stated that the Herkimer Girls Youth Softball League requested to use the softball fields at the Town Park. There was one conflicting date with softball and the Town of Herkimer Wellness Fair on June 14. Town Park Supervisor Naypany will reply and approve

- M. A letter from Dana Sherry, Mayor of the Village of Herkimer, to Supervisor Frank concerning the NYS Division of Homeland Security and Emergency Services Crowd Strike Coverage.

Supervisor Frank stated he received a letter from the Mayor of the Village of Herkimer and the Village is happy to be a part of the Cyber Agreement with Homeland Security.

- N. A letter dated April 4, 2025 from Supervisor Frank to Thomas Bernier concerning his seasonal employment with the Town of Herkimer Highway Department.
- O. A letter dated April 8, 2025 from Supervisor Frank to Vincent Gambacorta concerning his resignation from the Town of Herkimer Highway Department

CARRIED AYES ALL

07) Routing.

08) Resolutions & Transfers

Supervisor Frank stated Resolution No. 15 of 2025 is a resolution authorizing the Supervisor to execute transfer documents for the Town of Herkimer Commons Sewer District

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 15 of 2025- Resolution Authorizing Supervisor to execute transfer documents for the Town of Herkimer Commons Sewer District.

CARRIED AYES ALL

Supervisor Frank stated Resolution No. 16 of 2025 is to authorize the Supervisor to request access to New York State Equitable Business Opportunities Database. This database is to track contractors on minority business owners. Access is needed to approve our contractors.

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept, place on file, and approve Resolution No. 16 of 2025 – Resolution Authorizing Supervisor to Request access to New York State Equitable Business Opportunities (EBO) Database.

CARRIED AYES ALL

09) Old Business.

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

MCKennan Road Enhancement Project: Supervisor Frank stated we are waiting on the permit. DOH had comments and our engineers responded to them. We have not heard anything back yet.
West Herkimer Water: Supervisor Frank stated that there is nothing new to report. The delay on this project is they wanted agreements with everyone to buy the water. Village of Herkimer wanted to use it as a redundant source but the authority wants them to buy the water. We are waiting for the Village of Herkimer and Village of Frankfort to make an agreement with the Authority.
East Herkimer Sewer District: Supervisor Frank 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 move forward.

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

Codes: Codes Enforcer Collis stated 921 Shells Bush Road has been boarded up but it has been broken into twice since it was boarded up. Codes Enforcer Collis stated he went back to the property and secured the boards. He stated that the middle of last week he sent out a letter to the owner of the property to clean up by April 15 or the Town of Herkimer will. There is a property on Folts Road that the previous owners of the house lost the house and refused to leave the home. The current owner has them out now and are cleaning up the property. Rubino's on Route 5 has squatters, there is a youth involved. There is a man, a woman, a youth and the man's mother living in the home. The apartment has 5 dogs, the dogs got into a fight. One of the dog's almost ripped off the man's mother's foot. They also have two dead dogs in the home. Every time I go to the home no one is there. Supervisor Frank asked is Social Services involved? Codes Enforcer Collis stated I believe so, the State Troopers were supposed to come and arrest them but they never came. Supervisor Frank asked did the solar farm on Shells Bush Road change their landscaping? Codes Enforcer Collis stated they wanted to change the trees, that is the last I have heard of it. Supervisor Frank stated that we need a resolution and in writing for them to change it. Codes Enforcer Collis stated that he will contact them. The panels are up and wired, they are waiting on National Grid.

Landbank: Supervisor Frank stated there is nothing new.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated there is nothing new.

Town Park: Supervisor Frank stated that we have a new source for grant writing, they have a good track record for grants. The Town has been denied two years in a row, we need to get the grant out the door by the end of this month. We are looking to get work done in 2026 such as the handicap bathroom, a side walk from the handicap assessable opening that will tie into the trail and the bathrooms, renovation of the softball field that is closest to the basketball courts, remodel the pavilion, and add bocce courts. The grant cycle for last year was 500,000 with a 25% for everything and this year is 1 million with 10%. Town Park Supervisor Nayspany stated that there is a Town Park Committee Meeting Wednesday at 12:00 PM to continue planning our Wellness Fair and Community Days.

Updating Zoning Ordinance: Tabled.

Signs entering Town: Tabled.

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 he reached out to Spisak last week again regarding the value. This was before the water main break and he hasn't heard anything back yet.

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 board had any recommendations yet. The Town Board had no recommendations for the position.

10) **New Business.**

Supervisor Frank stated the East Herkimer fire Department would like to use 160 Pine Grove Road for training on April 12 and April 15.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to approve the East Herkimer Fire Department using 160 Pine Grove Road on April 12 and April 15 for training.

CARRIED AYES ALL

Supervisor Frank stated we have Renewal Comp. Alliance for the Town of Herkimer and East Herkimer Fire Department. Comp. Alliance reduces the cost for both the Town of Herkimer and the East Herkimer Fire Department, 3 years ago we did this to keep the price the same for 3 years. We want to do it again for the price to stay the same for 3 years ago. Annually we get rebates back from them and we received a safety award.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept, place on file, and approve.

CARRIED AYES ALL

Supervisor Frank stated the Planning Board recommended Donna Morris be appointment as the alternate for the Town of Herkimer Planning Board. Councilman Kast asked have we had an alternate before? Supervisor Frank stated no we have not.

Motion by Councilman Carbone, seconded by Councilman DeCarlo to appoint Donna Morris as the alternate for the Town of Herkimer Planning Board.

CARRIED AYES ALL

Supervisor Frank stated this is a contract with Azar Design Co for engineering services for the Bridge NY 23 Shells Bush Road Rehabilitation Project. Our consultant engineer and consultant attorney have reviewed and approved the contracts.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the contract with Azar Design Co for engineering services for the Bridge NY 23 Shells Bush Road Rehabilitation Project.

CARRIED AYES ALL

Supervisor Frank stated the Town of Herkimer is involved in the Herkimer Hometown Heroes Military Banner Program. Councilman Carbone and Councilwoman DeCarlo attended the meetings on behalf of the Town of Herkimer. Councilman Carbone stated meeting attendee's will be placing pamphlets and plaques around the Town of Herkimer and Village of Herkimer. Highway Superintendent Ward asked did they get permission from National Grid to hang the banners on there poles. Councilwoman DeCarlo answered yes, they did. Supervisor Frank asked who is in charge of the program. Councilwoman DeCarlo stated the Herkimer County Hunger Coalition.

Motion by Councilwoman DeCarlo, seconded by Councilman Kast to accept, place on file and approve the Town of Herkimer's participation in the Herkimer Hometown Heroes Military Banner Program.

CARRIED AYES ALL

Supervisor Frank stated that there was a water main break in the Village of Herkimer that will affect the Town. The Town of Herkimer Water Conservation Advisory was sent to the Times Telegram and WKTU on April 6, 2025. The Town of Herkimer and the Village of Herkimer declared a State of Emergency. A Declaration of State of Emergency and Emergency Order are in effect on April 6th, 2025 until further notice. Highway Superintendent Ward stated the Village of Herkimer is having trouble getting a new Easement from the property owner, it is going to take more time to build the road than to fix it.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Town of Herkimer Declaration of State of Emergency, Town of Herkimer Conservation Advisory, and the Emergency Order.

CARRIED AYES ALL

Highway Superintendent Ward stated that the Spring Town of Herkimer Trash Days will be held on May 29, May 30 and May 31. The Fall Trash Days will be held October 9, October 10, and October 11. Highway Superintendent Ward stated he and the highway department employees do not want to collect the cash from the tires this year, after everything that has went on they do not feel comfortable. Supervisor Frank asked could you do a receipt book? Highway Superintendent Ward stated they do not want to collect the cash at all. Councilman Kast stated that they can come to the Town office to pay for the tires then receive a coupon or a voucher. Would you make up a voucher or a coupon and collect the money for the tires? Clerk Moore stated that she will make up a tire voucher and collect the money at the Town office.

11) Reports.

Supervisor Frank stated that the USDA needs us to have an audit agreement in place if we collect more than 1 million dollars in funding in a fiscal year from a Federal source.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Executed Contract for Auditing Services with Bonadio & CO., LLP for the East Herkimer Sewer District and Federal Funding Requirements.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the NBT Insurance Agency Policy Changes for the Addition of the Western Star Plow Truck and the Removal of the Sterling Dump truck.

CARRIED AYES ALL

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

CARRIED AYES ALL

Councilman Kast asked will this go on the current owner's taxes? Supervisor Frank stated yes it will. Codes Enforcer Collis stated that this is only for the outside.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the estimate to clean up the grounds at 921 Shells Bush Road.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Northern Border Regional Quarterly Report for the East Herkimer Sewer District

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the February 2025 Bank Reconciliation from Budget Officer Baylor

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Fully Executed Contract with NYS for Bridge NY 2023 Shells Bush Road Bridge Rehabilitation

CARRIED AYES ALL

Supervisor Frank stated he is having trouble accessing the minority database, once done he can approve CT Male

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Fully Executed Contract with NYS Bridge NY 2023 Osborne Hill Road over Unnamed Tributary to West Canada Creek.

CARRIED AYES ALL

Supervisor Frank stated the Engineering Report referenced from the Village of Herkimer and the DEC. ELG Utica Alloys was not in the plans as they cannot hook up until they meet waster waste requirements

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the KB Engineering (Formerly Prime Engineering) East Herkimer Revised Engineering Report of January 2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Quarterly report for Piper Road Study

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the NYS Homeland Security Single Audit form for 2024 Fiscal Year.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the February 2025 Justice Reports from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders dated 3/22, 3/27, 4/1, and 4/6 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Renewal State of Emergency Declaration dated 3/22 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 April 7, 2025

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated April 7, 2025

CARRIED AYES ALL

12) Audit & Purchase Orders.

Highway Superintendent Ward stated he had a purchase order. The 2022 Western Star has an antifreeze leak. It will cost 5,499 from Tracey Road to fix. Supervisor Frank asked how long will it be down? Highway Superintendent Ward stated a couple days if the purchase order is approved.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to approve the Purchase Order from Highway Superintendent Ward to fix the antifreeze leak in the 2022 Western Star.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept, place on file and approve the Audit dated April 7, 2025.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to Executive Session for a Contractual Matter and a Personnel Matter

CARRIED AYES ALL

Motion by Councilman Carbone and seconded by Councilman Kast to Adjourn from Executive Session and Resume Regular Session with no decisions were made.

CARRIED AYES ALL

13) Adjourn.

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, April 21, 2025 at 6:00PM.

CARRIED AYES ALL

Kristal Moore, Herkimer Town Clerk