

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, May 19, 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 (Via Zoom)
	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 Carbone, seconded by Councilman Kast, to accept and place on file the minutes of the previous regular meeting held on April 21, 2025 as written.

CARRIED AYES ALL

05) **Public Hearing**  
Supervisor Frank stated he would like to continue the Public Hearing to Establish New Water and Sewer Rates for Districts in the Town of Herkimer. Supervisor Frank stated the Village of Herkimer is voting tonight to establish new water and sewer rates for the Village of Herkimer.

Motion by Councilman Kast, seconded by Councilman Carbone to continue the Public Hearing into next meeting on Monday June 2<sup>nd</sup>, 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. Sherry Boyer of 111 Smith Road stated they are having problems with 371 Shells Bush Road. They have several derby cars that they run around all hours of the night, they have trash that is attracting rats and they had a fire on the lawn that almost burnt down the house. Eric Boyer of 111 Smith Road stated the neighbors signed a petition regarding 371 Shells Bush Road. He stated they are renting rooms out to people, they have a house and a double wide on the property. Codes Enforcer Collis stated he will go speak to them and National Grid is turning off their power. Sherry Boyer stated she believes some of the people from 921 Shells Bush Road have moved to 371 Shells Bush Road. Sherry Boyer stated that there is one well on the property and it is one lot. She stated she is the previous owner and sold the property 3 years ago. Codes Enforcer Collis stated the owner of the property is Jason Failing. Supervisor Frank stated he will speak to the receiver of taxes to see if they are up to date with their taxes. Codes Enforcer Collis stated if the owner is living there, there is not much we can do but if he is renting out rooms he has to provide electricity and water for the tenants. We can remove the tenants if he does not provide electricity and water. Attorney Bray stated this is not official but it does look like the taxes are up to date. We will go up and investigate. Supervisor Frank stated we will look into it and thank you for bringing it to our attention.

Kevin LaQuey of 1080 Steuben Hill Road asked if there are any updates with the water? Supervisor Frank stated we do not have the permit yet but we are permitted. They still have to send us the permit and our engineer said we cannot start until we receive the permit. Kevin LaQuey stated that's great, thank you. What is happening with the solar project in East Herkimer? Supervisor Frank stated they pulled out of the project.

Motion by Councilman Carbone, seconded by Councilman Kast 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 I listed below.

- A. Hazard Mitigation, Disaster Recovery (DHSES) denial of grant application FEMA -DR-4755 for East German Street Extension
- B. A letter dated April 22, 2025 from Charter Communications concerning an upcoming change.
- C. A letter dated April 23, 2025 from Supervisor Frank to Albert J. Moxham Jr., Director of the Herkimer County Emergency Services regarding rescinding the State of Emergency and Emergency Order.
- D. Herkimer County Sales Tax 1st Quarter 2025
- E. A letter dated May 6, 2025 from National Grid concerning terminated services
- F. An email dated May 6, 2025 from Shaun Pitcher concerning a visit from NYMIR  
Supervisor Frank stated letter F is NYMIR notifying the Town of visiting for a Risk Management Survey.
- G. A letter dated May 9, 2025 from Vincent J, Rossi to Christopher Bray ESQ. concerning water main emergency.

Attorney Bray stated this is a letter from the Village of Herkimer Attorney. The Village is stating that there is a wall on Oberle Road in the Town of Herkimer that that is falling and need to be repaired by the Town. If the wall falls it will damage the Village's raw water system. Supervisor Frank stated the water line is exposed, we went up there to look at it. Highway Superintendent Ward stated the Village plated it temporarily. Attorney Bray stated the Village put up the wall and it is there water line. Highway Superintendent Ward stated there was a leak in 2015 and the Village put up the wall. Councilman Kast asked is that the part of Oberle that is closed? Supervisor Frank stated yes it is. Attorney Bray stated that it is his understanding that it is the Village who needs to repair the wall. Attorney Bray stated he sent out a later to the Village of Herkimer's Attorney. Highway Superintendent Ward stated the wall has moved since we have been there but there is no issue to our closed road. Councilman Kast stated the Village needs to make the repair. Attorney Bray stated he will reach out to the Attorney again. Supervisor Frank asked when did we close it? Highway Superintendent Ward stated that it was around 2017 by McManus.

- H. A letter from the Salvation Army concerning the annual Civic Dinner
- I. A pamphlet from Mohawk Valley Water Authority regarding lead and copper testing.

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the 2025 NYAOT Legislative Platform

CARRIED AYES ALL

**08) Resolutions**

Attorney Bray stated Resolution NO. 17 of 2025 is to authorize Supervisor Frank to sign for a grant opportunity for up to 3.5 million, there is a 10 % local match. This grant is for East German Street Extension.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and authorize the submission of a consolidated funding application for coastal rehabilitation and resilience and resilient watershed grants.

CARRIED AYES ALL

Attorney Bray stated Resolution NO. 18 of 2025 is to authorize the participation in a grant funded feasibility study for regional shred water infrastructure. This resolution was sent to the Town by the City of Little Falls to all work together on joining. It is a 100,000-dollar grant and there is a 50 % local match which will be covered by Little Falls.

Motion be Councilman Kast, seconded by Councilman Carbone to accept, place on file, and approve Resolution NO. 18 of 2025- Resolution to Participate in Water Feasibility Study.

CARRIED AYES ALL

Attorney Bray stated Resolution NO. 19 of 2025 is a Resolution to adopt the Climate Smart Communities Pledge. Supervisor Frank stated applying for funding we are scored and it is compared with other applicants looking for the same money. The Town will receive more points if we are a Climate Smart community and it would help with grants. The Town would need to convert street lights to LED with National Grid, form a Climate Smart Community Task Force, change lights in the Town Office and the Garage to LED, Etc. All of this will help us score points for grants.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve Resolution NO. 19 of 2025 to adopt the Climate Smart Communities Pledge.

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**09) Old Business.**

Water Districts: Highway Superintendent Ward stated Matt Spisak called we have a leak in East Herkimer, we flushed the fire hydrant and the pressure was still down. Matt and I agreed to shut the valve and the pressure came back to East Herkimer. The valve is set to be fixed tomorrow, it will only be closed until then. I do think we have a leak elsewhere in East Herkimer but we are still looking for it.

Mckennan Road Enhancement Project: Supervisor Frank stated we should have the permit shortly.

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

East Herkimer Sewer District: Supervisor Frank stated two weeks ago he wrote to the USDA to get notice to proceed, how we proceeded with ELG Utica Alloys, and the revised plans. USDA Engineering taking months which was all explained in the correspondence and I have not received a response back from them.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated applying for more money has been denied and being pushed forward for review.

Codes: Codes Enforcer Collis stated regarding 921 Shells Bush Road, I talked to the owner and he said he is willing to sell it to the neighbor, they are negotiating a price. The neighbor can afford it and knows he has to pay the taxes.

Landbank: Supervisor Frank stated there is nothing new to report other than they are still siding. Codes Enforcer Collis stated Quebeca landscaping is going to be mowing it on a regular basis.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Tabled.

Town Park: Town Park Supervisor Nasypany stated there is kids playing loud and vulgar music at the Town Park and she has spoken with the kids regarding the music. The Wellness Fair is coming up in June. There will be vendors, demos, pickle ball, basketball, kid's scavenger hunt, healthy food, blow up obstacle course for kids, the Godfather's Hideout will have breakfast sandwiches, and Office of the aging will have a table set up. Supervisor Frank asked do we have insurance for the obstacle course? Town Park Supervisor stated yes the company provides their own insurance for the obstacle course. Supervisor Frank stated he will inform the insurance of the event and using the facilities that the company has their own insurance for the blow up obstacle course

Updating Zoning Ordinance: Tabled.

Signs entering Town: Tabled.

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

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

Pullmans Flats Water Valve Repair: Highway Superintendent Ward stated they will be working on it tomorrow.

Ampion Community Solar Agreement: Tabled.

**10) New Business.**

Supervisor Frank stated under new business we have a draft of the Town Park Rules. The lighting schedule for the tennis court and basketball courts will be looked at with the rules. The rules will cover profanity and loud music. The rules also cover what is permitted and what is not permitted at the park. The lights will go on an hour before dusk and stay on an hour after dusk. Councilman Kast stated the lights are on a timer, they will need to go off at a certain time. The lights should go off around 9:30PM. Town Park Supervisor Nayspany stated she agrees the lights should come on around dusk and turn off at 9:30 PM. The Park will be open from 6:00 AM to 9:30 PM. Supervisor Frank stated the solar lights have been installed at the park and will be on from dusk until dawn. There will need to be signs added around the park with the updated town park rules on them.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the Town Park Rules with the edits.

CARRIED AYES ALL

Highway Superintendent Ward stated at the house at the intersection of Willard Ave and Zollar Ave mailbox was destroyed by kids. The owner would like to add a street light. Can we add another street light? This light will also light up the Town Park entrance. Supervisor Frank asked will it bother the neighbors? Highway Superintendent Ward stated he will ask the neighbors. Councilman Kast asked is there anything on the poles? Highway Superintendent Ward stated there is power lines, cable, and phone lines. Codes Enforcer Collis stated that East Street is asking for a street light there as well, it is very dark. Highway Superintendent Ward stated he will check with the neighbors for both lights. Councilman Kast stated come back with estimates as well. Highway Superintendent Ward stated will do.

**11) Reports.**

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Tire Vouchers from Clerk Moore.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the American Rescue Funds & Annual State and Local Fiscal Recovery Funds(SLFRF) Annual Report for period 4/1/2024-3/30/2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Planning Board Meeting Minutes dated April 9, 2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Local Project Consultant Agreement Equitable Business Opportunities (EBO) Data Entry Form.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Town Park Committee Meeting Minutes dated April 9, 2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Sales Tax Report.

CARRIED AYES ALL

Supervisor Frank stated this contract was approved in April and this is the fully executed contract with C.T. Male.

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the fully executed contract with C.T. Male for Bridge NY 2023 Osborne Hill Road Culvert.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Herkimer IDA Agreement with the HCCC Solar LLC.

CARRIED AYES ALL

Supervisor Frank stated there are 3 options for 160 Pine Grove Road, the Butler Building. Option SK4A and SK4B are two different layouts. Option SK4C is the same as option SK4B, it just has a vestibule between the community room and pavilion to access the bathrooms from either side. Councilman Kast stated he likes option SK4C and Councilman Carbone stated he agrees. The Town Board approved option SK4C.

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Final Railroad Ceiling.

CARRIED AYES ALL

Supervisor Frank stated we are in contact with National Grid on how to proceed with putting up the Veterans Banners. Highway Superintendent Ward stated he spoke with Justin Cristman regarding the meeting he attended and he said the Town will have some banners coming. The banners will be on Main Road and Pine Grove Road. National Grid needs an insurance form from us and it will be a couple weeks until they do the pole inspections. The Highway Department will have to mount the banners. It will be a couple week process to get them up when we receive banners.

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the NYS Budget and other legislative updates from NYAOT.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Certification of Consultant Procedure and Selection for Osborne Hill Road Culvert.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Supervisor Frank stated that Budget Officer Baylor does a great job on the Annual Report to the State Comptroller.

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the 2024 Annual Financial Report to the State Comptroller.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file DCO Reports for February, March and April 2025 from DCO Dutton.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file NYS Department of State Compliance Form for upcoming grant application for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file Flood Damage Preparedness, the Ins and Outs of FEMA Assistance.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file Wladis Bill for Pure Sky Energy Escrow.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file Emergency Order dated 4/26, 5/1, 5/6, 5/11, and 5/16 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated May 19, 2025.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated May 19, 2025.

CARRIED AYES ALL

**12) Audit**

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the audit dated May 5, 2025.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the audit dated May 19, 2025.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to go into Executive Session for a contractual matter.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to adjourn from Executive Session and resume to the Regular Meeting of the Town Board. No decisions were made in Executive Session.

CARRIED AYES ALL

**13) Adjourn.**

Motion by Councilman Carbone, 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 June 2, 2025 at 6:00PM.

CARRIED AYES ALL

Krystal Moore, Herkimer Town Clerk