

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, July 21, 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
Deputy Supervisor-----Daniel Stalteri
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: 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 Councilman Stalteri, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous regular meeting held on July 7, 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 address.

Bill Penree of 1211 East German Street stated he is following up about an issue with his neighbor's fence, property maintenance and signs. He stated he came last year regarding the same issue and it is still the same. Supervisor Frank stated Codes Enforcer Collis is in his office and will be at the meeting shortly, once he comes in he will address Mr. Penree's concerns. Bill Penree stated if this is not addressed he is going to hire counsel.

Richard Roberts of 124 South Bellinger Street stated he is here on behalf of the East Herkimer Fire Department. He stated the EHFD is in early discussion regarding a new station, the current station was built in 1931. The EHFD is looking to expand the old station or look into a new location. We are looking to see what the plans are for the property on Pine Grove Road owned by the Town of Herkimer. Supervisor Frank stated we are happy to discuss it. Last year we did a community survey and the residents want a community center with activities for all ages. The Town of Herkimer hired an architect to look at the buildings and help with the process of building a community center. The board will be looking at a contract tonight for a grant writer and if approved we will start applying for grants to make that conversion. The Butler Building will be a pavilion type building, the space will be heated with garage doors, all the green space will be a large parking lot. This is a phased approach for 160 Pine Grove Road and the grant we would be applying to is for phasing. The board would be willing to have a meeting and go from there. Councilman Stalteri stated what size is the footprint? Ted Hiltz Jr. of 604 Ronald Street Herkimer stated we are at the very beginning stages of planning but we are looking at 70 wide and 80 length. Our current station is running out of height and length space due to the fire trucks being taller and longer. Supervisor Frank asked what about the recent parcel the EHFD purchased next door? Ted Hiltz Jr. stated they do not have a plan for that yet. Councilman Kast stated he is willing to meet with your committee. Councilwoman DeCarlo stated she is willing to meet as well.

Supervisor Frank stated Codes Enforcer Collis is here and Bill Penree has concerns about his neighbor's property. Bill Penree stated his neighbor has three no trespassing signs, cement blocks, iron rods and she put the fence on the property line its supposed to be set back 1 foot according to state law. She also has on her fence on town property, why is that aloud? Codes Enforcer Collis

stated the owner cut down some trees on her property and he will look into it. Bill Penree stated the state law is the fence should be set back one foot and she has three no trespassing signs five feet apart from each other, how many signs do you need? The fence is falling down and I don't want her on my property to fix it. Codes Enforcer Collis stated the Town of Herkimer has their own fence code and it states that the fence needs to be 6 inches from the property line. He knows who owns the property, he will go visit the property and speak with her tomorrow.

Supervisor Frank stated Heather Devitt and Samantha Francisco are here to make a presentation on becoming a Climate Smart Community. Sam Francisco of 121 Riverview Parkway in Rome handed out a Climate Smart informational sheet and stated the Climate Smart Communities Pledge is a program through the DEC that helps with state funding. It has 10 pledge elements; each action you can pursue but there are no requirements to achieve. You can reword the whereas clause of the resolution but you must adopt all 10 elements. Councilman Stalteri asked if we passed the resolution and form a Climate Smart Community Task Force then number 1 would be met? Sam Francisco stated yes that would mean the first element would be met. Attorney Bray stated the Climate Smart Community and the Climate Smart Community Task Force resolutions cannot be passed in the same night. Sam Francisco stated you can pass both resolutions the same night, once you pass the resolution you will be invited to set up a portal account. Supervisor Frank stated we have reached out to some community members for the task force and Heather Devitt stated she would volunteer to work on the task force. Heather Devitt of 401 Bellinger Ave stated she would love to help run and be a part of the Climate Smart Community Task Force for the Town of Herkimer.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A notice dated June 24, 2025 from Techere Simmonds, Exempt Bonds Internal Revenue Agent concerning a bond.

Councilman Kast asked what is this regarding? Supervisor Frank stated this is a BAN from the park renovations and Arthur Street. We took the BAN out in September and withdrew from buying the property on Arthur Street by the end of the year. We returned the money back to the bank that we took out to purchase the property on Arthur Street. We renewed the bond for 111,000 for Town Park Renovations and are paying 27,000 every year for 5 years. The IRS has some questions. Attorney Bray stated he reviewed the contract for the BAN and Bond Council is reviewing it as well. We are going to set up a call. Supervisor Frank stated the next payment is in September of this year.

- B. A letter dated July 8, 2025 from Michael A. Gallerani, P.E., Regional Traffic Engineer, concerning a speed limit order.
- C. A letter dated July 9, 2025 from Charter Communications concerning an upcoming change.
- D. A letter dated July 14, 2025 from Supervisor Frank to Donald Moffatt concerning a meeting for Osborne Hill Road Culvert Project.

Supervisor Frank stated we had a meeting with the engineers today for Osborne Hill Road, there is two land owners. Mr. Moffatt and the other is an LLC out of Long Island. Mr. Moffatt's first name is David, not Donald as the letter states. We would like to have a meeting with both owners as there will be easements involved.

- E. A letter dated July 14, 2025 from Charter Communications concerning an upcoming change.

- F. A letter from the First Presbyterian Church of Ilion concerning donations.
- G. A letter dated July 21, 2025 from Supervisor Frank to Vincent Gambacorta concerning his full time employment with the Highway Department.
- H. An email dated July 21, 2025 from Johnathan Carman concerning the 2026 Community Project Funding.

Supervisor Frank stated our funding request with Stefanik has gone to another level of review, we have a better chance of being funded. She has eight projects that she has sponsored.

CARRIED AYES ALL

07) Routing

08) Resolutions and Transfers

Supervisor Frank stated that there are three transfers which are employment insurance, reimbursement and an accounting fix due to charging the wrong account.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve the three transfers.

CARRIED AYES ALL

Supervisor Frank stated there is a budget amendment. The Culvert Project is 100 percent funded and the Bridge Project is a 5% local match. In the audit you will see two payments to the engineer firms working on these projects. They will be putting these projects out to bid themselves. The Culvert project may be constructed next year but both projects need to be finished in 2027. The budget amendment is to put grant money in to pay those invoices.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approved the budget amendment.

CARRIED AYES ALL

Supervisor Frank stated this is the resolution to adopt the climate smart communities pledge. Councilman Kast stated he has a better understanding on this resolution from the presentation and he originally thought that you had to do all ten elements if you passed the resolution. Councilman Stalteri stated this will help us score better on grants. Councilman Kast stated we have done most of the tasks already. Councilman Stalteri this resolution does not hold us to do all 10 steps. Councilman Carbone asked for the Climate Smart Task Force if there is any spending of money involved, will they need to get the boards approval first? Supervisor Frank stated yes it is my interpretation that they would need to clear it through the board first. Attorney Bray stated the model resolution for the Climate Smart Task Force states all members of the task force’s names, how many times they have met, and how long it has been in existence. My understanding is you need to form the Climate Smart Community Task Force and meet before you can pass that resolution.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 24 of 2025 – Resolution to adopt the Climate Smart Community Pledge.

AYES 4 NOES 1

Motion by Councilman Stalteri, seconded by Councilman Carbone to table the resolution to recognize and approve the Town of Herkimer Climate Smart Communities Task Force.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve Heather Devitt of 401 Bellinger Ave to start the Town of Herkimer Climate Smart Community Task Force.

CARRIED AYES ALL

Supervisor Frank stated we will need more members for the task force. Councilman Stalteri stated he will speak with Heather and have her reach out to the person he has in mind.

09) Old Business.

Water Districts: Highway Superintendent Ward stated there was a leak on Steuben in the ravine, we buttoned that up about 4:30 PM and it was about 9-14 gallons a minute. Councilman Stalteri asked can we confirm with the Village of Herkimer that there was a drop in the reading. Highway Superintendent Ward stated it has been going up and down for about a week. We also had a leak two weeks ago that we fixed around the same area.

Mckennan Road Enhancement Project: Supervisor Frank stated we are permitted but we are still waiting on the permit to come in. He stated he will reach out to see where the permit is tomorrow.

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

East Herkimer Sewer District: Supervisor Frank stated he reached out to our funding source as the bids came in three million dollars over budget. The woman I am in contact with from Empire Development just went on maternity leave, I notified her office and they transferred me to Mark. Northern Borders is up at the end of September, it is funding through the federal government and they stated that it would be best that we reapply. Applications are open next week and are due in August. Northern Borders has to have a local match which is Empire Developing. The project fits into local economic plans and we will be reapplying for that. The USDA says yes we can borrow more money but there is a list of things we need to do. We are on the Environment Facility Corporation index but we do not score well compared to bigger projects in areas like NYC, Buffalo, etc. I sent an email on Friday and the EFC called and left a voicemail. They are very interested and I have a conference call with them tomorrow to see what they are offering.

East German Street Extension Emergency Road Repair Project: Highway Superintendent Ward stated he got a quote to repair the fence which you will see in new business. Do you want us to repair it in the meantime while we wait for the claim to go through from his insurance? Supervisor Frank stated repair it. Councilman Stalteri we have a liability to repair it.

Codes: Codes Enforcer Collis stated he has four permits out for septic, pull barn, and swimming pools. He stated he tried to call Frank Palumbo concerning the trees for the solar project on Shells Bush Road. I tried to email him as well to see what trees they would like to replace the old trees with and I haven't heard back from him yet. The company tried to reach out as well, would you be able to get ahold of him? Supervisor Frank said he will try.

Landbank: Councilman Stalteri stated Tolga wants to meeting with the board.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated March Associates did an estimate and reports. We will be applying for a grant. The estimate is around 2.5 million and we will be using that as the base. It is 1.8 million to do the parking lot and plumbing. This does not include septic; we will be hooking up to the East Herkimer Sewer District that will run down the road.

Town Park: Town Park Supervisor Nasypany stated we have community days coming up on Saturday and our last meeting is tomorrow morning. We had two food trucks scheduled, McGill's backed out and I cannot get ahold of the other one. We will come up with something tomorrow at the meeting and hopefully the weather is nice. Supervisor Frank stated that the Town of Herkimer is going to get a permit for hot dogs and hamburgers as a backup plan. The permit is in the works. I spoke with Shannon and she said she found food trucks for the event, the Shave Shack and a taco truck have confirmed. Doughboys BBQ is interested but has not confirmed yet. Town Park Supervisor Nasypany stated she can also ask the East Herkimer Fire Department to more the chicken BBQ to 1:00 or 2:00. Entertainment is all set; we have two bands. We have the zoomobile, vendors, a bounce house, the fire department is doing pull a duck, and a car show. Supervisor Frank stated the ceremony for the plaque will be at 12:45. Town Park Supervisor Nasypany stated the young gentleman working at the park is doing well this week, I did get a text from him that one of the basketball nets is ripped. Councilman Stalteri stated he will get a new net. Town Park Supervisor Nasypany asked will you put them up? Highway Superintendent Ward stated yes. Supervisor Frank stated the tiles are scheduled for the first week of August and we will store them in the Butler Building. Councilman Stalteri stated the left over wood needs to be moved. Highway Superintendent Ward stated do you want me to clean up the pile of scrape as well? Councilman Stalteri stated yes.

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.

Amplion Community Solar Agreement: Supervisor Frank stated there is nothing new to report.

Veterans Banners: Highway Superintendent Ward stated the two banners that we had are up.

10) New Business.

Supervisor Frank stated the contract with Barton and Loguidice is to design the handicap bathrooms and to write grants for the town park. We are adding a supplemental agreement to write a new grant to convert the Butler Building.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve the Supplemental Contract with Barton and Loguidice for grant services for 160 Pine Grove Road

CARRIED AYES ALL

Highway Superintendent Ward stated this is the quote for the fence repair for East German Street Extension.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept, place on file and approve the Fence Repair for East German Street Extension.

CARRIED AYES ALL

Highway Superintendent Ward stated Adam Kast has been working with the Highway Department through the Youth Bureau and has finished his hours. He is a good worker and respectful, I would like to hire him on for two days a week at 20 hours from now until September.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve Adam Kast as an employee for the Town of Herkimer Highway Department.

Councilman Kast recused himself from the vote.

CARRIED AYES ALL

11) Reports.

Supervisor Frank stated this is an estimate for 160 Pine Grove Road. Matt from March Associates wants to have a conversation regarding the roof.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the March Associates Estimate for construction on the Butler Building.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the 2nd Quarter Northern Borders Regional Commission for East Herkimer Sewer District Report.

CARRIED AYES ALL

Supervisor Frank stated the Federal Government has not released the documents on this project and the state does not have the authorization to close this project.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the 3rd Quarter Report Homeland Security Piper Road Study Project

CARRIED AYES ALL

Supervisor Frank stated Brian and himself meet every two weeks with them over the phone. The cybersecurity program has been installed in all the computers and Brian is all set up with a dashboard.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the fully executed agreement between the Town of Herkimer and NYS Homeland Security for Endpoint and other cybersecurity services

CARRIED AYES ALL

Attorney Bray stated Chris Baimonte asked if we would support his letter reminding Puresky Energy of their obligation to replenish the Escrow account.

Motion by Councilman Kast, seconded by Councilman Stalteri to approve supporting the letter to Puresky Energy reminded them of their obligation to replenish the Escrow Account.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the C.T Male Associates Invoice.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file and approve the application for an additional dog for Bradley and Elizabeth Baker.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the fully executed agreement with the Herkimer School District to collect school taxes

CARRIED AYES ALL

Supervisor Frank stated these documents are relative to the Village Court Dissolution.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Email, Affidavit, Resolution, and Publication relative to the Village Court Dissolution

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on the bid opening minutes for the East Herkimer Sewer District dated July 8, 2025.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Renewal State of Emergency Declaration dated 7/20/2025 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders dated 7/5, 7/10, 7/15, and 7/20 for East German Street Extension

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated July 21, 2025.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated July 21, 2025.

CARRIED AYES ALL

11) Audit

Councilman Stalteri recused himself from the Hummel's Office Plus Bill.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept, place on file and approve the audit dated July 21, 2025.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to go into executive session for a contractual matter and a personnel matter.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo from 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 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 August 4, 2025 at 6:00PM.

CARRIED AYES ALL

Krystal Moore, Herkimer Town Clerk