

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, September 2, 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 (via zoom)
Attorney-----Christopher Bray
Highway Supt.-----Ken Ward
Deputy Attorney-----Kyle Crandall
Town Park Supervisor-----Kathi Nasypany

Excused: Codes Enforcer-----Ken Collis
Dog Control Officer-----Erica Dunton

03) **Pledge of Allegiance to the Flag.**

Councilman Stalteri led us in the Pledge of Allegiance to the Flag.

04) **Reading of the Minutes.**

Motion by Councilman Carbone, seconded by Councilman Stalteri, to accept and place on file the minutes of the previous regular meeting held on August 18, 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. With no one from the public in attendance

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

CARRIED AYES ALL

06) **Petitions and Communications.**

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

A. A letter dated August 14, 2025 from Beatrice L. Gamache, Director Grants Bureau, to Supervisor Frank concerning the MPR Grant Program

Supervisor Frank stated letter A is rejection letter from the NYS Parks Enhancement Grant that we submitted an application to in July. I reached out to our rep. to see if we can have a discussion on what we can improve on for next time. The grant was awarded to the Village of Ilion and the City of Utica. Our rep. said they are not having discussions until November regarding the grant.

B. A letter dated August 15, 2025 regarding Inspection Report for Lock E-13 Dam, Movable Dam at Rocky Rift & Movable Dam at Herkimer

C. A letter dated August 17, 2025 the Committee for Patriot Remembrance Ceremony concerning an invitation to the Patriot Remembrance Ceremony

Supervisor Frank stated the Elks Club is doing a remembrance ceremony for Veterans at the VFW on October 4. My knee surgery has been postponed until October 3. Councilwoman DeCarlo stated she will attend the ceremony if they need someone from the Town to attend.

- D. A letter dated August 19, 2025 from Charter Communications concerning upcoming changes.
- E. A pamphlet from Elemental Shelter Solutions LLC regarding their services for salt and material storage.
- F. A letter dated August 26, 2025 from Charter Communications concerning an upcoming change.
- G. A letter dated August 28, 2025 from Charter Communications concerning an upcoming change.
- H. A letter dated September 2, 2025 from Kyle Crandall regarding his resignation as Deputy Town Attorney

Supervisor Frank stated Deputy Attorney Crandall submitted his resignation as of September 10, 2025. He is our labor attorney, negotiations, etc. Our contract is up for negotiations next year and we will need to hire a new deputy attorney. Any recommendations? Attorney Bray stated there is not a lot of lawyers in Herkimer County that practice private law, I will think about it and get back to you on recommendations.

CARRIED AYES ALL

07) Routing

08) Resolutions

Attorney Bray stated Resolution No. 29 of 2025 is for the Osborne Hill Road Culvert Replacement Project. The Project is SEQRA Type II Action, it came from the engineers and I put it into our town's format. They will be digging in the stream but will be restoring the property back to its original state once they are finished. There will be no significant impact.

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file Resolution NO. 29 of 2025 – Resolution of Determination that Culvert Replacement Project Carrying Unnamed Stream Under Osborne Hill Road is SEQRA Type II Action.

CARRIED AYES ALL

Attorney Bray stated Resolution No. 30 of 2025 is an introductory resolution for our annual local law to override the tax levy. This allows the town board to exceed the property tax if they need to come budget time.

Motion by Councilman Stateri, seconded by Councilman Carbone to accept and place on file Resolution NO. 30 of 2025 – Introductory Resolution of the Town Board for the Town of Herkimer Local Law NO. 1 of 2025.

CARRIED AYES ALL

09) Old Business.

Water Districts: Highway Superintendent Ward stated the house near the Russian church in East Herkimer will be separated from the church, we got approval from Dig Safe.

McKeanan Road Enhancement Project: Supervisor Frank our consultant engineer is working on the conditions. I need to make sure that everyone in the district is on the list to the county, I will be working on that.

West Herkimer Water: Supervisor Frank stated there is nothing new to report.
East Herkimer Sewer District: Supervisor Frank stated we are working on the WIIA Grant and Loan Application. This would cover 25 % of the project and a 1.3-million-dollar construction loan for the entire project with long term financing. USDA for 1.5 million and \$900,00 from UFC in long term finance. We ran out of extensions for the Northern Borders, the best choice is to reapply for the same grant. When we applied the last time it was \$500,000 for the max and it is not \$1,000,000 as the max. The pre application is in reports if approved we can apply and the full application will be due October 10. \$440,000 from Empire Development, we are estimating the cost of the whole project would be 5.3 Million in 2026. I have a conference call on Friday with the USDA.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated the Highway Department paving on East German Street Extension will be added to the running total with FEMA. Codes: Supervisor Frank stated there is nothing to report.

Landbank: Supervisor Frank stated there is nothing to report.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated we are hoping we will land the NYS Dormitory Authority Grant

Town Park: Town Park Supervisor Nasypany stated we are working on the Halloween Spooktacular, we will be handing out flyers and letters to businesses. The event will be held on Halloween.

Supervisor Frank asked at the same time as the East Herkimer Fire Department? Town Park Supervisor Nasypany stated yes. The pad lock was taken off at the Town Park, it is the same two boys I had a run in with over the summer, I am waiting to see them to ask about it and get the pad lock back. Supervisor Frank asked are you asking businesses for money in the letter? Town Park Supervisor Nasypany stated no it is asking them if they want to do a display and a booth at the Spooktacular Event. Supervisor Frank asked will it be advertised on social media? Town Park Supervisor Nasypany stated yes, it will be on the Town Park Facebook page and the Town of Herkimer Website. Supervisor Frank asked is there a committee for this event? Town Park Supervisor Nasypany stated not yet we are in the early stages of planning. Supervisor Frank asked will we be changing the lights and closing the town park for the winter? Councilman Stalteri stated the lights are on a timer, the computer tracks day by day to turn the lights on at sunrise and off at 9:30PM. We will just be turning off the water for the winter to close. Town Park Supervisor Nasypany asked are we still doing the ice skating rink at the park? Highway Superintendent Ward stated we need to order the border and the accessories. Councilman Stalteri stated he will order the border with a sheet of Polly, it is a retention pond. Highway Superintendent Ward stated we will need to do site work to get it level, I was thinking behind the pavilion. Town Park Supervisor Nasypany stated that works.

Updating the 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: Tabled.

Veterans Banners: Highway Superintendent Ward stated there are several banners coming soon, they are still being made and I will put them up once I receive them.

LED Street Light Conversion: Councilman Stalteri stated I am setting up a meeting with National Grid to discuss some of our questions in person.

10) New Business.

Supervisor Frank stated the Village of Herkimer will be dissolving the Village Court and the Town of Herkimer will be taking over effective July 1, 2026. We have a meeting tomorrow with Justice Petucci and Justice Manne about what we may need. We may have funding opportunities through the NYS Unified Court System, Justice Petucci said he will look into it.

Attorney Bray stated the SEQRA is from the Consultant Engineer for the Osborne Hill Road Culvert, I looked at it and Dom looked at it, it looks good other than I made one change. They are digging into the stream but will be restoring the property to its original state. A lot of the questions are no significant impact.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and authorize Supervisor Frank to sign the SEQRA for the Osborne Hill Road Project.

CARRIED AYES ALL

Supervisor Frank stated we sent our assessor, Daniel Maxwell a contract earlier this year and he agreed to it. We need to reappoint him and send a form to the state.

Motion by Councilman Carbone, seconded by Councilman Stalteri to reappoint Daniel Maxwell as the Town of Herkimer Assessor for a six-year term from 10/1/2025 to 09/30/2031.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to reappoint Daniel Rivers as the Chairman/Member of the Board of Assessment Review for a five-year term from 10/1/2025 to 09/30/2030.

CARRIED AYES ALL

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Northern Borders Regional Commission Pre-Application for \$1,000,000 Grant Funding for the East Herkimer Sewer District Project.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Village of Herkimer Water Invoice for East Herkimer Water District.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the July 2025 Bank Reconciliation from Budget Officer Baylor.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the July 2025 Cash Report from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the contract to survey the Herkimer Commons Sewer and Water District

CARRIED AYES ALL

Supervisor Frank stated we filed 2024 and the state informed me that we never filed 2023. We are now up to date.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file Homeland Security and Emergency Services Single Audit Certification Form 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Declaration dated 8/19 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated 8/19, 8/24 and 8/29 for East German Street Extension

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated September 2, 2025.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated September 2, 2025.

CARRIED AYES ALL

11) Purchase Orders and Audit

Highway Superintendent Ward stated he has a purchase order. A couple weeks ago, a highway department employee got hurt, he is bruised up and healing well. On Osborne Hill Road the chain came off of our current roller, the employee stopped it with the skid steer but got hurt in the process. The roller is 23 years old and I do not feel safe with using it on the hills. This would be funded through CHIPS, they will reimburse us but we would have to keep it for 10 years for CHIPS to fund it. We will fix the old one and auction it off. There are a couple quotes to look through new and used. Councilman Kast asked will this affect your roadwork funding from CHIPS next year? Highway Superintendent Ward stated we will be okay; we didn't use all the money last year or this year. The County uses the same one we do and they sold theirs for around 3,500. I am thinking we will get between 2,500 and 3,500 for our current roller. Supervisor Frank asked do you have a recommendation on which roller? Highway Superintendent Ward stated the Hamm roller from Monroe Muffler. Councilman Kast stated the cheapest roller is the used one but it has unknown hours on it. Supervisor Frank stated we will need to take the old one off the insurance and put the new roller on.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file the Purchase Order and have Highway Superintendent Ward pursue the Hamm Roller.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the audit dated September 2, 2025.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to go into executive session for negotiations.

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

Motion by Councilman Stalteri, seconded by Councilman Kast to accept Deputy Attorney Kyle Crandall's resignation from his duties effective September 10, 2025 with regret and note the Town of Herkimer thanks him for his service to the town and residents. The Town wishes him future success in his new responsibilities.

CARRIED AYES ALL

12) 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 September 18, 2025 at 6:00PM.

CARRIED AYES ALL

Krystal Moore, Herkimer Town Clerk