

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, January 15<sup>th</sup>, 2024, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present:

Supervisor-----	Dominic Frank
Councilman-----	Randy Kast
Councilman-----	Vito Carbone
Councilwoman-----	Kathleen DeCarlo
Highway Supt.-----	Ken Ward
Attorney-----	Christopher Bray

Excused:

Councilman-----	Daniel Stateri
Codes Enforcer-----	Ken Collis
Deputy Attorney-----	Kyle Crandall
Town Park Supervisor-----	Kathi Nasypany

Also present were Assemblyman Robert Smullen, Planning Board Chairman Mark Gaworecki, and Planning Board Member Fred Wheeler.

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

Supervisor Frank led us in the Pledge of Allegiance to the Flag.

04) **Reading of the Minutes.**

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous special meeting held on January 2<sup>nd</sup>, 2024 as written.

CARRIED AYES ALL

05) **Public Meeting.**

Supervisor Frank stated he would like to start the meeting with wishing a Happy New Year to everyone. Supervisor Frank stated if anyone would like to address the board to please state you name, address, and tell us why you are here.

Supervisor Frank stated Planning Board Chairman Mark Gaworecki and himself went to the Herkimer County Comprehensive Planning Meeting to review the map that was designed. Some of the properties had a buffer because some properties had more than one zoning district on a parcel. Mr. Gaworecki stated he agrees with Jeff Rehler, the Principal Planner for the Herkimer-Oneida Counties Comprehensive Planning Program, to make these parcels the least restrictive zoning. Attorney Bray asked how many parcels would this effect? Supervisor Frank stated he is unsure but thinks it is probably a couple dozen parcels. Bray stated we will have to go through a similar process as we did for the zoning change on Gros Boulevard with the recommendation of the planning board to make the parcels more conclusive. Bray stated we will need a list of all the properties involved and adjacent properties to mail them letters. Supervisor Frank stated we will need to update our zoning ordinance as well to allow mining 200 feet from the road. Attorney Bray stated this will have to be done in two processes but we can do them at the same time. Supervisor Frank stated we will get the list and go from there.

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

CARRIED AYES ALL

06) **Petitions and Communications.**

Motion by Councilman Kast, seconded by Councilman Carbone, to accept and place on file all the petition and communication 6A through F listed below.

- A. A certificate of liability insurance dated 12/29/2023 for AstroTurf Corporation effective 01/01/2024 through 01/01/2025.
- B. A letter dated January 3, 2024 from Supervisor Frank to Mr. A. Joseph Scott III of Hodgson Russ LLP, concerning the financing available for the Town of Herkimer’s East Herkimer Sewer District Project.
- C. A letter dated January 5, 2024 from Supervisor Frank to Thomas Bernier congratulating him on his position as a seasonal employee for the Highway Department.

D. A letter dated January 9, 2024 from Supervisor Frank to Manager Ms. Mary Berghela of the NYS Comptroller Division of Local Government & School Accountability Data Management Unit requesting an extensions of the filing of the Town of Herkimer's 2023 Annual Financial Report.  
 E. A letter dated January 9, 2024 from Charter Communications Senior Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.  
 F. A letter dated January 9, 2024 from NYS Department of Environment Conservation Assistant Director, Mark DePaul Lowery, informing us that our CFA Application was ineligible for funding for the West Canada Creek East German Street Extension Flood Resiliency and Mitigation Project.  
 Supervisor Frank stated we were denied funding from the State for East German Street Extension.

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on the Herkimer County Soil and Water Conservation District Newsletter for the Winter, 2024.

CARRIED AYES ALL

**08) Resolutions.**

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to approve Resolution No. 8 of 2024- Bonding Resolution for the construction of the East Herkimer Sewer District.  
 Supervisor Frank stated we are getting close to bidding and need this done before we can do so.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded Councilman Kast to accept, place on file and approve all six of the transfers recommended by Supervisor Frank.  
 Supervisor Frank stated these six transfers are to balance out 2023. Tonight there will be two audits; one for the final expenses in 2023 and the second will be for the expenses thus far in 2024.

CARRIED AYES ALL

**09) Old Business.**

Water Districts: Highway Supt. Ward stated he received a letter from Flat stating there will be a decrease in cost for the chemicals used at Valley Health.

McKenna Road Enhancement Project: Supervisor Frank stated this is supposed to be reviewed by the DEC by the end of this month.

West Herkimer Water: Nothing new to report.

East Herkimer Sewer District: Supervisor Frank stated we just passed a resolution for the bonding. We are waiting for the NYSDEC to give us the permit to cross the stream. We have already received the approval from the Army Corp of Engineers to do so. Once we have the approval they can go to bid.  
East German Street Extension Emergency Road Repair Project: Highway Supt. Ward stated the fence has been completed.

Codes: Nothing new to report.

Zoller Ave: Councilman Kast stated there was an issue with the air quality but they will start on Wednesday.

Piper Road: Supervisor Frank stated we received FEMA money to do a study and we have received the report of the best way to fix it with the projected cost. We will get 75% of what we spent. At our last meeting we paid the bill so we will be submitting to get reimbursed for that bill. Our next step is to try to find money to do the mitigation.

Landbank: Supervisor Frank stated he has nothing new to report.

Subdivision Local Law: Tabled.  
160 Pine Grove Road: Supervisor Frank stated we now have the plans for the building with the dimensions of all of the rooms.

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the Rhinebeck Architect Plans for 160 Pine Grove Road.

CARRIED AYES ALL

ARPA Funding (Exercise Trail): Supervisor Frank stated we are meeting with Central Paving and our engineer on Thursday at 11:00.

Updating Zoning Ordinance: Tabled.

Updating Zoning Map: Supervisor Frank stated have previously discussed this.

Negotiations with Teamsters: Supervisor Frank stated Deputy Attorney Crandall sent the contract to be signed today. Once the proper numbers are in place, Supervisor Frank will sign it.

Herkimer County Mitigation Plan: Supervisor Frank stated he has nothing new to report.

Signs entering Town: Tabled.

Parking/Driveways on Town Roads: Highway Supt. Ward stated he has reviewed the policies and made edits he thought were necessary. Attorney Bray will put together a resolution for our next meeting to set a public hearing for this.

Charging Station for electronic cars: Supervisor Frank stated he reached out to them to see the status but didn't get a response back.

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

Public Safety: Tabled.

Lien for work done to 936 Steuben Hill Road: Attorney Bray will follow-up with the County.

Annual Policies to review: The board agreed to have more time to review these policies and will discuss them at our next meeting.

- Investment Policy.
- Purchase Order Policy.
- Depreciation & Fixed Assets Policy.
- Password Policy.
- Workplace Violence Policy.
- Town employee seminar/training reimbursement policy with board approval.

#### 10) **New Business.**

**Public Meeting for 160 Pine Grove Road**: Supervisor Frank stated we are gearing toward a public meeting. We will most likely have to have this in the school cafeteria. During this meeting we will go over the results of the survey and new plans. We are working on getting the contact information for all who answered the survey.

#### **Appointments:**

Motion by Councilman Kast, seconded by Councilwoman DeCarlo, upon the recommendation of Town Clerk Jennifer DeMetro to appoint Deb Wright and Danielle Beach as Town of Herkimer Deputy Town Clerks for a one-year term, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo, upon the recommendation of Town Board to re-appoint Jennifer DeMetro as the Town of Herkimer Records Management Officer for a two-year term, 01/01/24 to 12/31/25.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo upon recommendation of the Town Board to re-appoint Christopher Bray as the Town of Herkimer Town Attorney for a two-year term, 01/01/24 to 12/31/25.

CARRIED AYES ALL

Supervisor Frank recommended we table to the appointment of the Codes Enforcer for a two-year term, 01/01/24 to 12/31/25. He stated he will speak to Mr. Collis and make sure he still wants to do it. The board agreed.

TABLED

Councilman Stalteri stated he has not heard anything in regards to a recent issue. Supervisor Frank suggests the appointment of Erica Dunton and if something changes we will address it the. The board agreed

Motion by Councilman Stalteri, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Erica Dunton be appointed as the Dog Control Officer for the Town and Village of Herkimer for a one-year term contingent on contract, 01/01/24 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo, upon the recommendation of the Herkimer Town Board, that Jim Greiner be re-appointed as the Town of Herkimer Historian for a two-year term, 01/01/24 to 12/31/25.

CARRIED AYES ALL

Supervisor Frank stated we will have to find someone to fill this spot. He recommends that the board table the appointment of a Town of Herkimer Zoning Board of Appeals Member for a five-year term, 01/01/24 to 12/31/28. Councilman Kast stated he will help with the search for a replacement.

TABLED

Motion by Councilman Kast, seconded by Councilman Carbone, upon the recommendation of the Herkimer Town Board, that Dr. DeCarlo be re-appointed as the Town of Herkimer Health Officer for a two-year term, 01/01/24 to 12/31/25.  
Councilwoman DeCarlo recused herself from the vote.

CARRIED AYES ALL

Supervisor Frank recommended we table the appointment for the Town of Herkimer Town Computer Technician for a one-year term, 01/01/24 to 12/31/24.

TABLED

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that TimesTelegram be named as the Official Town Newspaper for the Town of Herkimer.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Fee Schedule.

CARRIED AYES ALL

**11) Reports.**

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Annual Financial Reporting-Extension Request Approved dated 1/11/2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Executed Agreement with Central Paving for the Town Park Improvements dated 12/28/23.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Bonding Surety for Central Paving for the Town Park Improvements.  
Supervisor Frank stated Attorney Bray and our consultant engineer reviewed and approved this.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Certificate of Liability and Workers' Compensation insurance for Central Paving through 4/1/24.  
Supervisor Frank stated we will point out how these are only valid until April for this year so we will need updated ones as well.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Quarterly Report for NYS Homeland Security & Emergency Services for the Piper Road Project.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders for East German Street Extension dated January 7<sup>th</sup> and 12<sup>th</sup> of 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the DCO Report for October, 2023 from DCO Erica Dunton.  
Supervisor Frank stated the Humane Society has asked us to attend a meeting tomorrow night to discuss our DCO appointment. Deputy Supervisor Stalteri and Deputy Attorney Crandall will attend.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the DCO Report for November, 2023 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Town Justices Reports for December, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Town Justices Reports for December, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated January 15, 2024.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated January 15, 2024.

CARRIED AYES ALL

**11) Purchase orders and Audit.**

Supervisor Frank stated we have two purchase orders for tonight. They are for Councilwoman DeCarlo and himself to attend the AOT training and conference in NYC this February.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to approve both purchase orders to allow Supervisor Frank and Councilwoman DeCarlo to attend the AOT training in February.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Audit dated January 15, 2024 for the rest of expenses of 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated January 15, 2024 for expenses in 2024.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilwoman DeCarlo, 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, February 5<sup>th</sup>, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk