

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, March 4, 2024, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present:

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

Excused:

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

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 Stalteri, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous regular meeting held on February 19, 2024 as written.

CARRIED AYES ALL

05) **Public Meeting.**

Deputy Supervisor Stalteri stated if anyone from the public would like to speak to please state your name, address and tell us why you are here.
Elijah Lugo of 245 Folts Road in Herkimer stated he has owned the property since 2020 and would like to know if he is able to get municipal water where he is outside of the district. Supervisor Frank stated, yes, you can but it can be very expensive because you will have to pay for the connection and have an out of district user agreement. He stated you would be responsible for the connection from the home till where he would hook into where the current district ends. Highway Supt. Ward stated he will work with him to help figure out the projected cost. Mr. Lugo thanked everyone for their time.

Anne Thierry of 4292 State Route 28 in Herkimer stated she is here after having some email communication with Supervisor Frank in regards to the Gravesville water line. She handed out a survey she received and filled out in August, 2023 from the Village and then the letter she received January 5, 2024 stating there was a meeting to terminate the Gravesville line. She stated when she bought the home it said had municipal water and once she moved in she realized it is unfiltered water. She is concerned if they do away with the line she will not be able to afford a well and if she would even have enough water with a well. She stated she wouldn't be able to sell the house now. Supervisor Frank asked how many people this will be effecting? She replied stating around 63 people. He asked if she had a list of these people and she replied stating yes and she will get it to him. Councilman Kast stated about ten to fifteen years ago this was brought up and the DOH said the Village would have to have filtered water to these people or pay for them to have wells put in. the Village did not do anything because they didn't have the money. He asked if she has heard anything from the Village since? Miss Thierry stated she hasn't heard anything from the Village. Supervisor Frank stated the project with the Water Authority is on hold and that project would not help in this situation. He also stated he this we should find out how many residents are in this situation and try to write to home grants. He stated this type of grant is through the state and you would need to be income eligible. We will find out when this grant cycle is and will also correspond with the Village. He stated we will see what we can do. Miss Thierry thanked everyone for their time.

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

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, to accept and place on file all the petition and communication 6A through E listed below.

- A. A letter dated February 20, 2024 from the Herkimer County Humane Society Board of Directors stating this is a final notice and that Erica Dunton is banned from entering the HCHS effective immediately due to her offensive comments. Supervisor Frank stated we will go into executive session to discuss this later on in the meeting.
- B. Letters dated February 23rd and 27th of 2024 from Charter Communications Sr. Director of Government Affairs, Alex Camarda, concerning upcoming changes in service.
- C. A letter dated February 24, 2024 from Supervisor Frank to Vincent Gambacorta congratulating him on being promoted to a MEO position during his probationary period at the Highway Department.
- D. A letter dated February 24, 2024 from Supervisor Frank to Michal Ray congratulating him on his position as a seasonal employee for the Highway Department.
- E. A letter February 29, 2024 from NYSDEC Land Surveyor, Michael Carroll, concerning tax parcels 120.2-1-2.1 and a portion of 120.2-4-3 to explore the possibility of the State acquisition proposed by the landowner.
Supervisor Frank state this property was once promised to the Town of Herkimer. He has reached out and hasn't heard a response back yet.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file all of the routed material of the Erie Canalway National Heritage Corridor 2023 Annual Report and the Letters of Support of the Town of Herkimer's application for Congressional Directed Spending for Federal Year of 2025 funding of its East Herkimer Sewer District Project.
Supervisor Frank stated our federal elected officials have opened up congressional directed spending. He stated he sent all three the same grant.
Last week he received a call from the staff of Schumers Office to let us know of an announcement that would be in the paper stating how we received roughly \$1 million in grants and received a low interest loan of 203% on the remaining \$1.5 million. He explained that we are still trying to get more funding to lower the amount due for the entities involved and that the cost now is close to \$2.8 million.

CARRIED AYS ALL

08) Resolutions.

09) Old Business.

Water Districts: Highway Supt. Ward stated he has nothing new to report.

Mckennan Road Enhancement Project: Supervisor Frank stated all over the questions have been answered and submitted. He is hopeful that this will conclude this part of the process and allow up to go out for bid.

West Herkimer Water: Supervisor Frank stated he hasn't heard anything.

East Herkimer Sewer District: Supervisor Frank stated the various questions have been answered and we hope they are sufficient so we can get our permit and go out to bid. We asked the regulatory agency to expedite this due to our funding deadlines are approaching. We have been extended until the end of the year by the State and were extended until September of 2025 for the Northern Borders Regional Commission Grant. He will be requesting another extension from the State as we will not have the project done by the end of this year. We will see what they say.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated the solar project on Shells Bush Road needs easements on some of resident's properties in order to hook up to the grid but this has become somewhat difficult. A meeting has been scheduled and he has suggested legal assistance for the land owners.

Codes: Nothing new to report.

202 Zoller Ave: Attorney Bray stated we need to find out if Ridge Street is a real street. He suspects it is just a right of way but we will need to confirm this. If it is a right of way, then it will go to the adjacent property owners. Highway Supt. Ward asked if t202 Zoller Ave. could be done by seal bid. Attorney Bray stated he is unsure but will look into this. Supervisor Frank asked if we have any

obligation to notify the public of this sale. Bray replied stating he does not believe so and he also doesn't believe it is worth getting appraised as the value of the property is going to be low.
Piper Road: Nothing new to report.

Landbank: Deputy Supervisor Stalteri stated they are getting the pod storages this week. They will be required to find places elsewhere to stay and these expenses will be covered. Then we will get the permits to demo once the condemned trailers. We are told the site work will begin in April. Supervisor Frank stated the homes are built and sitting at the manufacturers but they have since sold the business and the new owners is charging a large fee for the storing of the homes. The good news is we are making headway on the project.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated we will be having our informational meeting to talk about the results of the survey and our next steps plan.

ARPA Funding (Exercise Trail): Supervisor Frank stated we are under contract and tomorrow Councilman Stalteri and himself will attend a zoom meeting with the National Fitness Court people to discuss the installation. The highway guys have cleaned up the graffiti. Supervisor Frank also stated it will be on us to get the equipment from storage to where it will be put together.
Updating Zoning Ordinance: Tabled.

Herkimer County Mitigation Plan: Supervisor Frank stated we have given everything that was required and should be receiving a report to look at soon to be submitted to FEMA and Homeland Security.

Signs entering Town: Tabled.

Charging Station for electronic cars: Supervisor Frank stated we are in the permitting stage. The permits have been completed for the properties in the Town for them to be at the playground and highway garage but the Village has not completed the permit for the charging stations to be installed for the Town Office building. The power for the charging stations at the park will come from the building. Again the state pays for these so it will not cost the town any money.
Friends of Town of Herkimer/Not for Profit: Tabled.

Public Safety: Attorney Bray stated he has a proposed Inter Municipal Agreement. He stated the only comment from the DA was that the Village tax payers shouldn't have to pay for it. Councilman Carbone stated the school is paying for this, not the Village. The agreement is set to renewed annually with no charge to the Town and to only encompass school owned property outside of the Village within the Town of Herkimer.

Lien for work done to 936 Steuben Hill Road: Attorney Bray stated the County Attorney stated per our town and local laws we would need to get the lien on with the taxes. He will reach out again to see how we can get this done.

10) **New Business.**

ARC Herkimer Event Center Traffic Concerns: Supervisor Frank stated he had received a call the Town of Little Falls Supervisor stating they had received a permit to build an event center off to the right on Eatonville Road up by the Country Club Golf Course. The Kucerek family has donated the funds to have this done. His Planning Board was wondering about the traffic off of Route 5 and where the line is drawn for which town it would be for on Eatonville Road? Who would be responsible for the road? Highway Supt. Ward stated he spoke with the Town of Little Falls Highway Supt. Cotton and this section of road is ours. He stated where they are looking to put it is well out of the right-of-way. The entrance to the event center will be on the Town's right-of-way. Councilman Kast stated he believes it is our responsibility to ask for the traffic study to be done as it is our part of the road. Highway Supt. Ward stated he would look into this further for us.

11) **Reports.**

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the PRIME AE Water District No. 3 Water System Improvements Project Amendment #6.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Continuing Judicial Education Certificate of Completion for Justice Michael Petucci.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for January, 2024 from Budget Officer Baylor.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Cash Report for January, 2024 from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Weston&Sampson Agreement for cost of Improvements for grant for Town Park.

Supervisor Frank stated we are trying to find funding to pave the parking lots, renovate the bathrooms, install a volleyball and bocce ball courts, and to enhance our ball fields but in order to do so we need to know the cost so this is to have these people get us the cost.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the REM Fire Systems, Inc Quote to provide and install fire alarm systems at the highway garages.

Highway Supt. Ward stated there is no heat in the storage garage but he thinks it is something we should consider to help maintain the equipment better. Supervisor Frank told him to get a quote for it and then we will look at our budget to see if it's something we can do or not this year.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Emergency Orders for East German Street Extension dated 2/21, 2/26, and 3/2 of 2024.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Declaration dated 2/26/24 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town Clerks Report for February, 2024 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated March 1, 2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated March 1, 2024.

CARRIED AYES ALL

Supervisor Frank stated he would like to report that last Friday, Councilman Stalteri, Clerk DeMetro and himself met with Congresswoman Stefanics staff where we apprized them of grants we are seeking which are for the hydro plant, East German Street Extension, Piper Road and the East Herkimer Sewer District. He stated based on the newspaper article it seemed like we have all the money we need but this is not the case.

Supervisor Frank state the Park Celebration committee will meet again on 3/21. He stated we were denied the bandstand from the City of Utica as it is the Boiler Maker weekend but we are making progress with the celebration.

1.1) Purchase orders and Audit.

There are no purchase orders for this meeting.

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Audit dated March 4, 2024. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to go into executive session to discuss a personnel matter.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to close executive session with no decisions made.

CARRIED AYES ALL

1.2) 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, March 18, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk