

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, April 15, 2024, at 6:00PM in person, 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
	Codes Enforcer-----	Ken Collis
	Attorney-----	Christopher Bray
Excused:	Dog Control Officer-----	Erica Dunton
	Deputy Attorney-----	Kyle Crandall
	Town Park Supervisor-----	Kathi Nasypany

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 Councilwoman DeCarlo, seconded by Councilman Kast, to accept and place on file the minutes of the previous regular meeting held on April 1, 2024 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, address and tell us why you are here.

Sally Durkee of 1203 East German Street Extension in Herkimer stated she would like to make amends. She stated she would like to apologize for the way she acted at the last meeting. Supervisor Frank stated thank you and we accept your apology.

Legislator Robert Schrader stated he is here on behalf of Mr. and Mrs. Wiegand in request of a speed study on Steuben Hill Road. He stated he called Mark Nagele of the Herkimer County Highway Department and was told the Town would need to make the request for a speed study to be done. Mr. and Mrs. Wiegand's stated the road is very narrow and curvy and there is a big issue with speeding on this road. She stated there's everything driving up from cars, trucks, tractor trailers, ATVs and four wheelers. She stated last week when they were on their way home a car was behind them trying to pass and when they slowed down they put their blinker on to pull in their driveway and the car passed them on the left almost causing a bad accident. This road is not big enough to for cars to pass with the narrow roads and big ditches. She stated that she contacted the troopers about what happened but was told there was nothing they could do. Legislator Schrader stated Mark Nagele measured the road and its 17-foot wide. Supervisor Frank asked if this was a town road or a county road? Highway Supt. Ward stated this is a County Road. Mr. Schrader stated by law any unmarked road is considered a 55mph speed limit and this is not a road that should have a 55mph speed limit. The board agreed to do a request a speed study from Johnson Road to Cook Hill Road.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 17 of 2024 to request a traffic study from Johnson Road to Cook Hill Road.

CARRIED AYES ALL

William Thurman of PureSky Energy stated he is here to discuss the proposed solar project at the 109 Edgar Street property. He stated this is a 5-megawatt community solar farm that would be on 26 of the 183 acres. He stated they have about 20 solar farms across the US and 90% of them are in New York and Massachusetts. Supervisor Frank asked what is means to be a community solar farm? Mr. Thurman stated with a community solar farm means it is used on local farm land to generate solar energy into the grid and people within the area can get a discount on their electric bill. Supervisor Frank asked what the savings would be per household? Mr. Thurman stated it

would depend on the amount used per household and the zone they live in. He stated the best savings are within a 3 to 5-mile radius. Supervisor Frank asked if the project is dependent on people subscribed to it? Mr. Thurman replied stating yes, we would ask for people to subscribe before we proceed with the project and if not enough people do so then we would ask local businesses if they would subscribe. Supervisor Frank asked how long this would take to build this. Mr. Thurman replied stating it will take at least a year or so for the grid to upgrade their substation to accommodate this. He stating for his company to get everything installed usually takes 3-6 months. Councilman Carbone asked if there will be any harm to the land or community with radiation and ect. Mr. Thurman replied stating that there will be no radiation with these solar panel and would not disturb the land. He stated the only negative they've received is the view. Supervisor Frank asked if this project would require battery storage? Mr. Thurman replied stating no, not for this project.

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

CARRIED AYES ALL

#### 06) Petitions and Communications.

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

- A. A letter dated March 12, 2024 from Comp Alliance Executive Director, Michael Kenneally, concerning the Town qualifying for the Comp Alliance Safe Workplace Award for its performance during the policy year of 2022.
- B. A letter dated April 3, 2024 from NBT Insurance Agency, Tucker Lounsbury, concerning a Government Insurance Disclosure.
- C. A letter dated April 4, 2024 from Supervisor Frank to NYSDOT Mohawk Valley Region Resident Engineer, Jonathan Tibbets, requesting a traffic study of NYS Route 5 and Eatonville Road due to the proposed Kucerak Event Center.
- D. A letter dated April 4, 2024 from Supervisor Frank to David Bonacci of Bonacci Architects, concerning the proposed Kucerak Event Center and the Town of Herkimer's Curb Cut Local Law requirements.
- Supervisor Frank stated items C and D are related. He stated in conversations with NYSDOT for Jonathan Tibbets who advised him that the lead agency for the SEQR needs to be the one to make the request for a traffic study. Supervisor Frank stated he informed Little Falls and since this is for a development the developer will need to pay for the study to be done and then the DOT will review it.
- E. A letter dated April 5, 2024 from Supervisor Frank to NYSDOH Deputy Director of Centers for Aging and Long Term Care, Amanda Tinaphong, in support of Valley Health Services as it seeks for funding for its proposed new facility.
- F. A letter dated April 15, 2024 from Supervisor Frank to NYS Division of Homeland Security and Emergency Services Supervisor of Hazard Mitigation Projects, Christa Hay, concerning the Town of Herkimer West Canada Creek Landslide Prevention Scoping Project.
- Supervisor Frank stated this is to close out the grant from Piper Road.
- G. A NYS Workers' Compensation Board Certificate of Insurance Coverage NYS Disability and Paid Family Leave Benefits Law from ShelterPoint Life Insurance Company for Geraty Pools and Spa Inc. effective 1/1/24 through 12/31/24.

CARRIED AYES ALL

#### 07) Routing.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Weston & Sampson Preliminary Reuse Plan of 160 Pine Grove Rd letter, map & survey data.

CARRIED AYES ALL

#### 08) Resolutions.

Motion by Councilman Stalteri, seconded by Councilman Carbone to table Resolution No. 19 of 2024 to Approve the Settlement Agreement and Release until after the we discuss this further in executive session.

CARRIES AYES ALL

09) **Old Business.**

Water Districts: Highway Supt. Ward stated he got a call yesterday from Scott Blais of the Village of Herkimer Water Department saying there was a leak at our water tower. He stated he thinks the leak is due to rusted bolts. He shut off the valve to stop the leak so its stopped for now and he will get it fixed this leak.

McKenna Road Enhancement Project: Supervisor Frank stated we are waiting for our regulatory agencies to review our comments.

West Herkimer Water: Supervisor Frank stated he has nothing new to report.

East Herkimer Sewer District: Supervisor Frank stated we are in the same position as the McKenna Road Enhancement Project as we are waiting for the regulatory agencies to review our answers to their comments. Our consultant engineer is hoping we get their comments back by May so we can get this out to bid by fall. With this project not getting done this year we will need to ask for another extension from one of the funding sources.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated he has nothing new to report.

Codes: Codes Enforcer Collis stated most of the trailers have been demolished and it looks good. He asked if all of the trailers were going to be demolished or if the last one will be moved? Councilman Stalteri stated per the agreement all of the trailers need to be demolished. He stated another issue is at 921 Steuben Hill Road. He stated there is 8-10 people living there and may have guns. He stated it seems like squatters have taken over. The troopers have been notified but nothing was done. Supervisor Frank stated he would like to note that the taxes have been paid and are current. Codes Enforcer Collis stated he was told that they are leasing it from a guy in Little Falls. He stated there is garbage everywhere and tents up on the lawn. He will work to get in touch with the owner about getting it cleaned up.

Motion by Councilman Stalteri, seconded by Councilman Carbone to update the fee schedule to make the remodel fee for a commercial project \$0.15 per square foot with no cap to it.

CARRIED AYES ALL

Codes Enforce Collis stated he would like to apologize for his tone with resident Sally Durkee. He was caught off guard and confused by her comments. Supervisor Frank thanked him for apologizing.

202 Zoller Ave: Supervisor Frank stated there is nothing new to discuss.

Piper Road: Supervisor Frank stated we are in the process of closing the grant we will need to apply to get the project going.

Landbank: Supervisor Frank stated we already discussed this.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated our IT guy is supposed to be there tomorrow to get all the cameras back up and running. Four are off line and the new ones that have been put up by the highway need to added for viewing as well.

Updating Zoning Ordinance/Map: Supervisor Frank stated we requested that the map should include the railroad tracks. They have done so for us. This has been redone to make the zoning map clearer and also to change parcels that had multiple zoning will be the zone that is least restrictive. Now we will look to have the public hearing for these changes at our next meeting set for May 6<sup>th</sup> as long as the Herkimer High school cafeteria. He will check with the school to see when the cafeteria is available for us to hold the public hearing of the proposed zoning map changes. We will send letters to all who would be affected by this.

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept, place on file and approve Resolution No. 18 of 2024 to hold a public hearing on May 6, 2024 at 6:05PM at the Herkimer High School Cafeteria.

CARRIED AYES ALL

Herkimer County Mitigation Plan: Nothing new to report.

Signs entering Town: Tabled.

Charging Station for electronic cars: Supervisor Frank stated they are all in at 160 Pine Grove Road but are not live yet. LuckGrove needs to give us the software program for us to be able to charge people who use them.

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

Public Safety: Supervisor Frank stated we were asked via a letter from the School District that the Town enter into an agreement with the Village Police to give them jurisdiction on school property. We sent a draft of the agreement to the Village, who told us they are reviewing it and will get back to us. We will have to wait and see what they say.

Lien for work done to 936 Steuben Hill Road: Attorney Bray stated he needs to contact to see if we can work out what's owed to the Town with them.

ARC Herkimer Event Center Traffic Concerns: Supervisor Frank stated we previously discussed this. Friends of Historic Herkimer Donation Request: Supervisor Frank stated at our last meeting we had received a letter of request in our petitions and communications from the Friends of Historic Herkimer to meet their local match of a grant. They had asked for \$5,000 for two years. He stated this is similar as we had done before. He stated we have the money in our planning fund that is available if the board so chooses. Councilman Stalteri asked if the Village has committed to this as well? Supervisor Frank stated he is not sure what the Village is doing. Councilman Stalteri suggested we table this until we know what the Village is doing. The board agreed.

Motion by Councilman Stalteri, seconded by Councilman Carbone to table the Friends of Historic Herkimer Donation Request.

CARRIED ALL AYES

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

Folts NY Solar Presentation: Supervisor Frank stated this was discussed during our Public Meeting. Update Fee Schedule: Supervisor Frank stated we need to update our Fee Schedule to reflect what ELG paid for their remodel building permit.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve Resolution No. 20 of 2024 to updated the fee schedule for a commercial remodel to go from \$0.15 to \$0.25 per square foot with no cap.

CARRIED AYES ALL

#### 11) **Reports.**

Meeting with Village over Court Services: Supervisor Frank stated we had a meeting with the Village to discuss their intent to dissolve their court. By law we would have to absorb it. They are not sure what they are going to do yet but we asked for enough time to make accommodations for space and labor if such were to occur. He stated they expressed how their court doesn't make enough to pay for itself, neither does ours. Councilman Stalteri asked if we are privy to audit their ticket information because he heard ticketing has been cut in half? Supervisor Frank replied stating yes, all of the information is online. Councilwoman DeCarlo stated the State did a study that they said we could review. Supervisor Frank stated when this study was done the State recommended the Village to dissolve their court then. He stated we have all of the raw data over the last ten years. Supervisor Frank also stated according to the Chairperson for the Magistrates, Jeff Stone, stated the Village of Herkimer processes the most criminal cases in the County. Supervisor Frank stated one of the reasons the Village is taking a loss with their court is because they took out all of the parking meters so they lost that income. Councilman Stalteri asked if they have a vision for this? Supervisor Frank replied stating they would need to pass a resolution to hold a public hearing. It would require a 30-day permissive referendum. He stated they said they would give us enough time to make accommodations. Councilwoman DeCarlo stated one of their judges was elected till mid 2026 so they would need to buy her out if they dissolve and she makes roughly between \$15-16,000 per year. The other judge is contracted till the end of June of this year. Supervisor Frank stated he has spoken to both of our justices who thought they could handle this transition with accommodations made. He stated right now our court clerk is only part-time.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Northern Boarder Regional Commission First Quarter Performance Progress Report dated 4/15/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the NYS Homeland Security & Emergency Services First Quarter Progress Report for Piper Road dated 4/15/24.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Online Auction Contract Agreement for Auctions International Inc. dated 4/15/24.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Annual Review of Justice Michael Petucci Court Records Report dated 4/15/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Annual Review of Justice Karl Manne Court Records Report dated 4/15/24.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the NYSEFC Annual Updated Report for 2025 I.U.P. for the East Herkimer Sewer District.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the NYSEFDA Host Agreement for Vehicles Charging Ports at the Town Park.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the NYMIR Assurance Compiling all highway heavy duty vehicles have battery disconnect switches.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Orders for East German Street Extension dated 4/1, 4/6 and 4/11 of 2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Town Justice Reports for March, 2024 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated April 14, 2024.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated April 14, 2024.

CARRIED AYES ALL

Clerk DeMetro stated she is removing Jodi Rivers as one of her deputies. She stated Mrs. Rivers has asked to be removed from this duty. Councilman Kast asked that she resign in writing. Clerk DeMetro will see that she does so.

Supervisor Frank stated the next Town Park Celebration Committee meeting will be this Thursday at 5:00PM here in the town hall.

Councilman Stalteri stated construction started at the Town Park this morning. He spoke with the contractor who advised him the park will need to be closed Monday through Friday from 7:00AM through 3:00PM and that the park can be open to the public other than that. They will come off the entrance while work is in progress. Highway Supt. Ward will turn the water on so they can use the restrooms. Councilman Stalteri stated the softball will be able to use the fields and the farmers market will be able to be open during the renovations to the park. Councilman Stalteri also stated he will have a purchase order for our next meeting to order the glue for the fitness court

Highway Supt. Ward stated he received an email from Herkimer Chief Jory stating he has received a lot of complaints in regards to the traffic in East Herkimer on Pine Grove Road and Main Road. He decided to go sit up there and record the traffic and he counted 210 vehicles passed him between 7:05AM and 8:00AM. Councilman Stalteri stated this is a big issue because there are two school on Gros Boulevard; BOCES and Herkimer Elementary School. He stated he spoke with Mike Edwards about getting the equipment to track the mount of cars passing and their speeds. Mr. Edwards has two available that the town will be allowed to pick up and barrow. Highway Superintendent Ward will make arrangements to pick them up and install them. Councilman Stalteri stated a tractor trailer tried to go down a road they were not allowed on and ended up not being able to turn around. The troopers were called and the driver was ticketed. Highway Superintendent Ward stated a driver he spoke to last year about this same issue, showed him on his gps maps with a Beaver Street, which does not exist. Attorney Bray stated we will need to follow the same guidelines for as we did for Ridge Street to have this street taken off of the maps. Councilman Stalteri stated some of the staff is still using Palasades Street gate to go to work. He asked if we can blockade that exit? Highway Supt. Ward stated we cannot block it due to the fire department will need access in case of emergency. Supervisor Frank stated we should have a conversation with ELG asking the to stop allowing traffic through this gate. We use to send a letter on annual bases in August to the school and Boces to use Gros Boulevard so we can control traffic.

**11) Purchase Orders and Audit.**

There is one purchase order for this meeting from Councilwoman Kathleen DeCarlo to attend AOT Finance Training.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file and approve the purchase order for Councilman Kathleen DeCarlo to attend the AOT Finance Training.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Audit dated April 15, 2024.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to go into executive session to discuss a legal matter.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to adjourn from Executive Session and resume the Regular Meeting of the town board. No decisions were made in Executive Session.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to approve Resolution No. 17 of 2024 approving the noted settlement agreement and giving Supervisor Frank the authority to sign any necessary related documents and to make any related payments per the agreement.

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, May 6, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk