

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, October 16, 2023, at 6:00PM at the Town Hall located at 114 N. Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilman-----Vito Carbone
Councilwoman-----Kathleen DeCarlo
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis
Dog Control Officer-----Erica Dunton

Excused: Councilman-----Randy Kast
Deputy Attorney-----Kyle Crandall
Town Park Supervisor-----Kathi Nasypany

03) Pledge of Allegiance to the Flag.

Councilman Carbone 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 October 2, 2023 as written.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous special meeting held on October 12, 2023 as written.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated if anyone would like to address the board to please state you name, address, and tell us why you are here.

Legislator Robert Schrader of 115 Dickie Avenue, stated he is here for an update on 936 Steuben Hill Road? Codes Enforcer Collis stated we have someone coming to clean up outside. He stated all of the doors have been secured so no one can get in. Supervisor Frank stated there are no isolated situation and this is an issue with all municipalities with the homeless. He asked if the County is doing anything to mitigate this issue. Legislator Schrader responded stating that it is not up to the county, it is up to the municipalities to secure the properties. Supervisor Frank stated he understands that but asked if there were any programs to help municipalities with the cleanup? Schrader replied stating that the county offers lots of options to get them someplace to stay but these people do not utilize them. He stated the governor is proposing that if someone loses their home from back taxes and then the county sold it, some of the money would go back to the owners who lost it. He stated if this is the case the county will get out of the in rem sales all together. Supervisor Frank stated there are a lot of people living on the streets and moving from place to place. He asked if anything is being done for them? Schrader replied stating that Tim Seymour is working with the Village Fire Chief Mike Moody closely to work on this. He stated we need a homeless shelter. Councilman Carbone asked how these homeless people are getting benefit cards when they do not have a real address. Schrader stated we are looking into these cases more and they are being investigated. He stated we need to step-up as a county even though we are short staffed.

Bill Penree of 1211 East German Street Extension stated he wanted to thank Ken Ward for being great with getting things done for his driveway. He thanked the board as well for all of their efforts.

He also stated that today is one year that his wife Kathy Penree has passed and he wanted to thank the board as she loved being a part of it with them.

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

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Councilman Stateri, seconded by Councilwoman DeCarlo, to accept and place on file all the petitions and communications 6A through D listed below.

- A. A letter dated October 2, 2023 from Attorney Gustave DeTraglia, Jr. concerning the drainage Wanda Ingrahams property located at 117 Piper Road.
Highway Supt. Ward stated he would like to address as it has been a problem for many years. He stated there are no ditches there and because of the slope of the road they do get water there from the driveway across the road. He stated he has spoken to the landowner and explained we are in the process of finding a solution to the problems with this road.
- B. A resolution dated October 4, 2023 from the Herkimer County Legislature with the County Equalization Rates for the 2023 Assessment Rolls for Municipalities in the Herkimer County.
- C. A letter dated October 6, 2023 from the USDA Rural Development State Director, Brian Murray, announcing the approval of the loan for \$1,595,000 for the East Herkimer Sewer District Project.
- D. A letter dated October 10, 2023 from NYSDOT Office of Integrated Modal Services Director, Matthew Haas, concerning the next quarterly CHIPS, PAVE NY, EWR and POP reimbursements scheduled to be made on December 14, 2023.
Highway Supt. Ward stated he has submitted everything.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 38 of 2023 to hold a public hearing for the preliminary budget. The board agreed to have a workshop meeting on Monday, October 23, 2023 at 5:00PM to discuss the budget and will set the public hearing for our next regular meeting to be held on Monday, November 6, 2023 at 6:05PM.

CARRIED AYES ALL

Attorney Bray stated he is working the two local laws for discussion at our next regular meeting; one is for the parking ordinance and to not allow parking on Pine Grove Road and the second is some towns are passing laws for the unsafe and abandoned buildings, since this is happening all over.

09) Old Business.

Water District: Highway Supt. Ward stated we will start flushing hydrants tonight between 9-11:00PM for East Herkimer. He stated we will be reading meters on the 30th or 31st of this month.
Mckennan Road Enhancement Project: Supervisor Frank stated we are still waiting on the DOH to make comment.

West Herkimer Water: Supervisor Frank stated he spoke to our consultant engineer who said this project is still moving forward. The holdup is The Authority needs to improve its equipment in order to accommodate this project.

East Herkimer Sewer District: Supervisor Frank stated we are waiting for the Army Corps of Engineers and DEC to approve our permit.

East German Street Extension: Highway Supt. Ward stated he spoke with a fence company today that can get it done for us by the end of November.

Codes: Codes Enforcer Collis stated last week he was up to 936 Steuben Hill Road and now you are unable to order any of the doors. He stated he doesn't believe he can board it up himself so the Town would have to hire someone to do but he doesn't think it is necessary now that everyone is out of there. Supervisor Frank stated we had a special meeting last week to approve the cleanup of this property.

Codes Enforcer Collis stated he is reviewing a building application he received for a greenhouse. He stated it is allowed within our zoning ordinance but the State law says, when you sell the plants it becomes a business. The applicant has said she plans to sell the plants but not out of the greenhouse. Councilman Stalteri stated he thinks we need to follow the steps within our law and if it's allowed than to issue the permit accordingly. If she uses it as a business she will also be in violation of our zoning ordinance. Codes Enforcer Collis stated the applicant has already verbally said she is going to sell the flowers she grows, but not out of the greenhouse itself. This will make it in violation, since it will then be considered a business. Attorney Bray stated he is going to advise Codes Enforcer Collis to deny the permit based on the intended use to that was communicated.

Codes Enforcer stated there are also a couple permits for new houses going up.

Landbank: Councilman Stalteri stated the contractor that was approved to do the site work is now booked out until March, 2024. They are using this date to get the rest of the funding approved to proceed. All of the modular homes are built and paid for. They will be stored at the facility until they are needed for move in. Highway Supt. Ward asked about the water? Councilman Stalteri stated he will ask them about it next time he talks to them.

Zoller Ave: Supervisor Frank stated we will go into executive session later to discuss the quotes.
Piper Road: Supervisor Frank stated the surveys were supposed to be done last week.
Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Supervisor Frank stated the plans have been mailed to our consultant engineer for review, and just at first glance the landscaping was not included as it was in the original application. We are now waiting the plans to be sent with the landscaping.

160 Pine Grove Road: Supervisor Frank stated a neighbor had called stating the back lights weren't working. Councilman Stalteri will look into but stated they have been working every time he has checked. Supervisor Frank stated Councilman Stalteri and himself had a zoom meeting with our consultant engineer to go over the parking plans so we should have a draft soon. He also stated the Herkimer County IDA has amended the contract to include an architect to draw the building. He stated he will meet with the architect next month.

ARPA Funding (Exercise Trail): Supervisor Frank stated he is expecting to receive our plans next week. He hopes we can get this out to bid for work to be done in the spring.

Updating Zoning Ordinance: Tabled.

Updating Zoning Map: Supervisor Frank stated he will reach out to see the status on this.
Fireworks: Supervisor Frank stated he working on a date to meet with ICAN.

Negotiations with Teamsters: Councilman Stalteri stated we are waiting for the #'s for the cost of insurance for 2026. We will meet again soon to hopefully wrap up negotiations.

Farmers Market: Supervisor Frank stated we will be meeting with Town Park Supervisor Nasypany tomorrow at 11:00AM for an update.

Herkimer County Mitigation Plan: Supervisor Frank stated we are waiting for the plans to be delivered.

Signs entering the Town: Supervisor Frank stated he is working on it and should have photos out to the group on the proposals shortly.

Extending term lengths postcard: Supervisor Frank stated Clerk DeMetro and himself will get something out towards the end of the month.

Parking/Driveways on Town Roads: Attorney Bray stated he is working on this Highway Supt. Ward.

Charging stations for electric cars: Supervisor Frank stated he had sent out the questions we had but has not heard a response back yet.

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

Public Safety: Supervisor Frank stated this is in reference to possibly having a police presence and jurisdiction on East Herkimer. We are waiting for a letter from the Village. Councilman Stalteri stated he will reach out to Kathy Carney at the school as well.

10) New Business.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Barton and Loguidice contract for Supplemental Services for the Town Park Trail.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the NYS Homeland Security and Emergency Services Quarterly Report dated 10/9/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Northern Border Regional Commission Quarterly Report dated 10/9/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Northern Border Regional Commission Annual Report for 2023 dated 10/9/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Contract dated 10/11/23 between the Herkimer County IDA and Weston&Sampson for Consulting on Re-Use of 160 Pine Grove Road.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Orders 10/4, 10/9, and 10/14 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Town Justices Reports for September, 2023 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for August, 2023 from Budget Officer Marcia Baylor.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Cash Report for August, 2023 from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated October 16, 2023.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated October 15, 2023.

CARRIED AYES ALL

11) Purchase orders and Audit.

There are three purchase orders that were submitted for this meeting.

- 1.) Karl Manne to Attend AOT Conference and Training in NYC in February, 2024. **TABLED**
- 2.) Michael Petucci Attend AOT Conference and Training in NYC in February, 2024. **TABLED**

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated October 16, 2023. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to go into executive session for negotiation reasons.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular meeting to be held on Monday, November 6th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk