

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, December 4, 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
Councilwoman-----Kathleen DeCarlo
Attorney-----Christopher Bray
Highway Supt.-----Ken Ward
Codes Enforcer-----Ken Collis

Excused: Councilman-----Vito Carbone
Councilman-----Randy Kast
Deputy Attorney-----Kyle Crandall
Town Park Supervisor-----Kathi Nasypany
Dog Control Officer-----Erica Dunton

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 Stalteri, to accept and place on file the minutes of the previous regular meeting held on November 20, 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.
Bill Penree of 1211 East German Street Extension stated he is here to discuss the codes regarding his neighbors fence. He stated this still hasn't been resolved. He stated of the twelve panels, there are six that are down; five in the back and one on the side. He also stated the finished side is supposed to face his property and it doesn't. Lastly the fence is on the property line making it not up to code. Codes Enforcer Collis will follow-up on this.

Motion by Councilwoman DeCarlo, 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 petitions and communications 6A through K listed below.

A. A letter dated October 30, 2023 from The Association of Town Executive Director, Gerald K. Geist, concerning designating a delegate and alternate to attend the Annual Business Meeting.
Supervisor Frank stated he will submit a purchase order at the next meeting to attend the Association of Towns training and meeting. He stated he would be honored to be the delegate for the Town of Herkimer again this year.
Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to have Supervisor Frank be the delegate for the AOT annual meeting.

CARRIED AYES ALL

B. A letter dated November 13, 2023 from NYSDOH New York State Registrar, Elizabeth Villamil-Cummings, concerning the appointment of Registrar of Vital Statistics.
Clerk DeMetro stated he term as registrar of vital statistics will expire at the end of this year and she will need to send in the renewal form. Supervisor Frank stated Clerk DeMetro has been our registrar since she has been here. The board agreed on the appointment for her four-year term to begin as of January 1, 2024.

Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to appoint Clerk DeMetro as the registrar of vital statistics for a four-year term starting January 1, 2024.

CARRIED AYES ALL

- C. A letter dated November 15, 2023 from NYS Parks, Recreation and Historic Preservation Grants Bureau Director, Beatrice Gamache, concerning the Town of Herkimer Park Expansion project not being selected for funding.
- D. A letter dated November 16, 2023 from NYSDOT Regional Planning & Program Manager, Deborah Windecker, concerning the Bridge NY Program.
- E. A letter dated November 21, 2023 from the Oneida-Herkimer Solid Waste Authority concerning Executive Director, William Rabbia concerning his retirement.
- F. An email dated November 21, 2023, Assemblyman Robert Smullen's Chief of Staff, Deborah Dempsey, concerning the gps and signage issue.
Supervisor Frank stated we have received this letter and map showing us the new signage to help direct tractor trailers to Gros Boulevard. Highway Superintendent Ward stated he has received positive comments from residents stating there is less tractor trailer traffic. Councilman Stateri stated he appreciates the efforts of our assemblyman but is not sure that is what we were looking for. He believes we should reach out to the gps companies again about correcting this issue.
- G. A letter dated November 21, 2023 from NYSDOS Deputy Secretary of State Office of Planning, Development and Community Infrastructure, Kisha Santiago, concerning our 2023 CFA Smart Growth Planning not being selected for funding.
Supervisor Frank stated items C. and G. are denial letters for two out of the three grants we submitted. Our grant writer is setting up a meeting them to see why we were denied and how we can improve.
- H. An email received November 28, 2023 from Jeffery Nadge of Barton and Loguidice concerning an updated plan holder list for the Herkimer Town Park Improvements.
Supervisor Frank stated this is a list of all of the contractors that were sent the proposed project plans for estimates. We will hold the bid opening on December 12, 2023 at 11:00AM here at the town hall.
- I. A letter dated November 30, 2023 from Charter Communications Director of State Government Affairs, Alex Camarda, concerning upcoming changes in service.
- J. A letter dated December 1, 2023 from Laberge Group President, Richard Laberge, concerning preparing for success in 2024.
Attorney Bray advised the board to remove item K. from the agenda as it is still something in the litigation process and should not be public knowledge until the case is complete. The board agreed.
Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to have Clerk DeMetro remove item K from the agenda.

CARRIED AYES ALL

CARRIED AYES ALL

08) Routing.

09) Resolutions.

Attorney Bray stated he has one Resolution to present the board for the lien to be put on 936 Steuben Hill Road for the cost incurred by the town to clean up the property.

Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 40 of 2023 to place a lien against 936 Steuben Hill Road.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to accept, place on file and approve all of the transfers suggested by Supervisor Frank.

Supervisor Frank stated most of the transfers are from the A fund to cover some unexpected costs. A few things were charged incorrectly so this will correct them as well.

CARRIED AYES ALL

10) Old Business.

Water District: Highway Supt. Ward stated Thanksgiving morning he received a call that there was no water on McKennan Road. He stated he called Mike Stark who was able to come up and tell us what the problem was. It was a fault code with the pump because the electric motor was bad. We also had to order a heater for one of the drive units for the pump. He stated we changed both and the bill is in the audit.

McKennan Road Enhancement Project: Supervisor Frank stated he reached out to the DOH but did not receive a response back.

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

East Herkimer Sewer District: Supervisor Frank stated we are just waiting on the DEC permit. He stated we had tried to communicate with them last week but received no response back.

East German Street Extension: Highway Supt. Ward stated the fence contractor called in a dig safely so he should be doing the work soon. He also stated we will be putting the guard rails up soon as well.

Codes: Codes Enforcer Collis stated the solar project on Shells Bush Road has started.

Zoller Ave: Supervisor Frank stated we have a signed agreement with D&S Excavating. They required a five-thousand-dollar deposit so the check was sent. He will be providing us with the certificate of insurance and thought they would start by the end of the week. He stated Councilman Kast has been in contact with the neighbors to let them know the schedule.

Piper Road: Supervisor Frank stated we might have to ask for an extension from the funding source.

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

Subdivision Local Law: Tabled.

160 Pine Grove Road:

ARPA Funding (Exercise Trail): Supervisor Frank stated as indicated earlier we will be having our bid opening on 12/12 at 1:00AM.

Updating Zoning Ordinance: Tabled.

Updating Zoning Map: Supervisor Frank stated we have answered all of the questions they had. Fireworks: Supervisor Frank stated he hasn't heard anything.

Negotiations with Teamsters: Councilman Stateri stated we have a meeting on Wednesday at 2:30PM here at the Town Hall. He thinks we will have an agreement by the end of this meeting. Herkimer County Mitigation Plan: Supervisor Frank stated this is in front of the reviewer for the state and federal government.

Signs entering the Town: Supervisor Frank stated he is working with them to get the proofs.

Parking/Driveways on Town Roads: Attorney Bray stated he has started drafting this.

Charging stations for electric cars: Supervisor Frank stated he believes the application has been submitted.

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

Public Safety: Tabled.

10) New Business.

Bridges 2024- Proposal from CT Male: NYS has opened funding for bridges. Highway Supt. Ward and himself have met with CT Male to discuss our needs and they thought we'd have a strong application since we have a yellow-flag for the structural issues on the Shells Bush Road Bridge (Don Mitchel Bridge). The application for the bridge would be covered 95% by the grant and the two culverts applications would be covered a 100% if granted. These culvert applications would be to replace the culverts on Osborne Hill Road to have them bigger and stronger.

Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to accept, place on file and approve all three proposals by CT Male.

CARRIED AYES ALL

Grand Opening of the Park- July, 2024- Supervisor Frank stated we had a successful meeting last week with several individuals of the public to work with us on this. The trail with rest areas and installation of the fitness and studio courts have a completion date of June 15, 2024. We will need to have the concrete down in May in order for it to have time to cure and to have the surfacing added on it and the equipment assembled in time. July 18th, 2024 is the date for the celebration.

The committee will meet again on December 26th. He stated the group seemed very enthused. The East Herkimer Fire Department and our Highway Department will have trucks there for kids to go in and out of. There is also discussion about setting up a race for kids and/ or different games.

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the meeting minutes for the grand opening of the park.

CARRIED AYES ALL

Highway Supt. Ward stated he wanted the board to be aware of the updated quotes for a new truck that if we order now we will get it in 2025. The International was cheaper and would take approximately 18 months to make with a cost of \$312,000 and the Western Star cost \$378,000 and will take about 2 years to make. He stated he would like to get this ordered because they are taking so long to make. He stated this is also part of the seven-year replacement program that wawsw agreed upon. Councilman Stalteri stated we will need to get together and review our schedule.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the NYSDOT Report Don Mitchell/Shells Bush Road Bridge.

Supervisor Frank stated this was done in 2022 before the yellow flag that will show on the 2023 report.

CARRIED AYES ALL

Motion by Councilman Stalteri seconded by Councilwoman DeCarlo to accept and place on file the Fiscal Advisors Agreements for Financial Advisement Services for East Herkimer Sewer District.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Special Authorization Application request from Mary Ann Rice for 144 Elm Ave. Supervisor Frank stated we will refer this to our planning board for comment.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Cash Report for October, 2023.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders 10/8, 10/13, and 10/18 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Signed D&S Excavating, LLC agreement for demolition of 202 Zoller Ave. dated 11/27/23.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Declaration date for East German Street Extension dated 11/28/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders 10/23, 10/28, and 12/3 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Town Clerks Report for November, 2023 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the NYS DOL Asbestos Project Notification Fee Waiver Request and Certificate for the demolition of 202 Zoller Avenue.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated December 1, 2023.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated December 1, 2023.

CARRIED AYES ALL

11) Purchase orders and Audit.

There was no purchase order that was submitted for this meeting.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Audit dated December 4, 2023. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular meeting to be held on Monday, December 18th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk