

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, March 3, 2025, at 6:00PM at the Herkimer Town Hall located at 114 North Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present:	Supervisor-----	Dominic Frank
	Councilman-----	Vito Carbone
	Councilwoman-----	Kathleen DeCarlo
	Councilman-----	Daniel Stalteri
	Highway Supt.-----	Ken Ward
	Attorney-----	Christopher Bray

Excused:	Councilman-----	Randy Kast
	Deputy Attorney-----	Kyle Crandall
	Dog Control Officer-----	Erica Dunton
	Codes Enforcer-----	Ken Collis
	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 Councilman Carbone, seconded by Councilman Stalteri, to accept and place on file the minutes of the previous regular meeting held on February 17, 2025 as written.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri, to accept and place on file the minutes of the special meeting held on February 20, 2025 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 and why you are here.

Kimberly Harris of 152 Folts Road, stated that she spoke with the Town of New Hartford Supervisor, Paul Miscione, regarding the Solar Law. She stated at the Town of New Hartford board meeting, the attendees voted on the solar project. She asked does the solar law apply to the residents of the Town of Herkimer? Supervisor Frank stated that the Town of New Hartford may have a different solar local law. Kim Harris asked can we get someone to investigate, voting helps the residents give their opinions. Attorney Bray stated that it is probably the Town of New Hartford's local law but he is happy to review it. Councilman Stalteri asked did the board vote it down? Kim Harris stated I believe so and they also allowed the attendees to vote. Supervisor Frank stated that when we adopted our local solar law, we got guidance from NYSTERA and other municipalities. Councilman Stalteri stated that we hear your concern and we will look into it. He stated that the other voice opposition is to get a petition. Kim Harris stated that Town Law 81 allows for residence to vote on major land use changes. Attorney Bray stated the solar ordinance for residents and commercial is not subject to procreation and referendum. It was a straw poll in the Town of New Hartford. The Town of Herkimer set the process for our solar law. The state wants solar projects and continues to take away the power that the towns have. We can be subject to legal ramifications and they can sue us if we do not have a reason to deny. Supervisor Frank stated that if they have met the criteria and if we say no, what they can do is sue the Town of Herkimer then a judge will decide. John Coddington of 104 Edgar Street asked how is this benefiting the town? Supervisor Frank stated we will be receiving more tax revenue for the parcel than when it was vacant field. The Assessment will be greater than a vacant field. John Coddington asked it is like the windmill project? Supervisor Frank stated no, members of the community will be able to sign up for a discount. John Coddington stated that you will have to pay National Grid and the company if you sign up. You will have to pay two bills now. He stated he spoke with National Grid, the discount will show on your National Grid

bill but you will receive a bill from the company and they can charge you whatever they want. Kim Harris stated that it is not true that there is no reason to deny, there are other environmental concerns such as animals, land, radiation, soil, etc. Councilman Stalteri stated it will go to litigation and we will have to plead a case if we were sued. I doubt we are the first ones but the board has not voted yet. John Coddington stated the negative outweighs the positive, it is not going to benefit the residents or the town. They will end up getting a tax break. Kevin LaQuey of 1080 Steuben Hill Road stated that the bond is insurance but if no one is there to pay the insurance then the bond is no good. What happens to residents' property value? Supervisor Frank stated there is a process where residents can appeal and meet with the review board. The Assessor does not reach out; it would have to be the resident who appeals to the review board. John Coddington asked is the County IDA involved? Attorney Bray stated they will most likely do a pilot program with the IDA. John Coddington asked has anyone involved the Mohawk Indians? Supervisor Frank stated that all tribes have been notified that this is happening and no one had an issue. Kim Harris asked is there a date for when the board will be voting. Supervisor Frank stated we will send out a notice to notify the residents when the vote will be.

Supervisor Frank asked if there are any other matters the public would like to discuss. Kevin LaQuey asked is there any updates on my water? Supervisor Frank stated there is nothing new, we are still waiting for the permit agency to answer about a meeting.

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

CARRIED AYES ALL

**06) Petitions and Communications.**

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

- A. A letter dated February 12, 2025 from Aaron Enfield, Senior Planner, concerning the Annual Planning Board and Zoning Board Training.
- B. A letter dated February 28, 2025 from Charter Communications concerning an upcoming change.

CARRIED AYES ALL

**07) Routing.**

Revised Engineering Agreement with the Prime Engineering meeting USDA/Rural development standards.

Supervisor Frank stated that this document is 55 plus pages and it is from the USDA. It is the same plans but the USDA wants it in their format. It is also under New Business we will discuss it more then.

**08) Resolutions & Transfers**

Attorney Bray stated that he spoke with Jeff from the state and one of the users of the East Herkimer Sewer District generates waste that needs to be removed properly. The state was not going to allow the town to authorize there hook up unless the state pretreatment plan plus all the licensing with the Village of Herkimer were squared away. Supervisor Frank stated that ELG does not want to invest until we have a shovel in the ground and the state says that we can't put a shovel in the ground until this is all settled. Attorney Bray stated that this is a grant funded project and we are on a time crunch. Our options were to completely redesign the district which means we would have to start the whole process over and get the state comptroller to approve it again or not allow ELG to hook up to the Sewer District. This resolution is the compromise. ELG will be allowed to hook up once confirmation that the Village of Herkimer Wastewater Treatment Plant holds the proper certifications to process the waste that ELG generates. Supervisor Frank stated that this will allow us to move forward with the East Herkimer Sewer District.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file, and approve Resolution No. 11 of 2025-Resolution to Limit Ability of ELG Utica Alloys, INC. to connect to the Town of Herkimer East Herkimer Sewer District.

CARRIED AYES ALL

**09) Old Business.**

Water Districts: Highway Superintendent Ward stated that there is a leak in East Herkimer but we were not able to find it. We will continue looking for the leak. Supervisor Frank stated that water usage is down and we received our bills from the Village of Herkimer.

Mckennan Road Enhancement Project: Supervisor Frank stated we are waiting for the permit. West Herkimer Water: Supervisor Frank stated that there is nothing new to report.

East Herkimer Sewer District: Attorney Bray stated there is movement on the pump station, he spoke with the representative and the surveyor. Lowes is comfortable with the Town of Herkimer owning the property that the Lowe's sign is on. He stated that we have to certify the right of way for the parcels that we own.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated that there is nothing new to report

Codes: Supervisor Frank stated 921 Shells Bush Road is an abandon property that people are living in. The property taxes were not paid in 2023 or 2024, National Grid turned off the power and Codes Enforcer Collis is going to condemn the house. He stated that once the house is condemned, they will have 10 days to vacate the property.

Landbank: Deputy Supervisor Stalteri stated that they have started siding the modular homes.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Highway Superintendent Ward stated insurance scheduled a boiler inspection in April to take it off the paperwork.

Town Park: Councilwoman DeCarlo stated that there is a meeting next Wednesday for the Town Park Committee and we have some new members joining us. Supervisor Frank stated we are getting flags and a plaque put in the Town Park. We should coordinate the ceremony when the storage shed is done. The plaque will have name on it, we will target for good weather to do the ceremony.

Updating Zoning Ordinance: Tabled.

Signs entering Town: Tabled.

Charging Station for electronic cars: Highway Superintendent Ward stated that National Grid was up today but he is not sure if they hooked them up.

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

Public Safety: Supervisor Frank stated that there is nothing new to report.

Pullmans Flats Water Valve Repair: Highway Superintendent Ward stated that there is no update but he thinks that we should have a conversation with the Mayor of Herkimer about the water valve.

Ampion Community Solar Agreement: Tabled.

Zoning Board of Appeals- One Appointment available: Supervisor Frank stated that we are still have an opening for the Zoning Board and are looking for recommendations for an appointment.

Supervisor Frank asked if the public or the board had any recommendations. The Town Board and the public had no recommendations for the position.

**10) New Business.**

Supervisor Frank stated that there is a water bill for Adventures LLC Mohawk Val. Highway Superintendent Ward stated they had a water leak, when I read meters I data logged it and then made some phone calls regarding the leak. The meter reading had gradually went up and it was at 11,000 gallons of water in one day. Highway Superintendent Ward stated that they shut the water off and there was a maintenance man there fixing the furnace. Supervisor Frank stated that he will reach out to the owner of the property. Councilman Stalteri recused himself from this bill.

Supervisor Frank stated that there will be a press conference with Assemblyman Smullen at the Town of Herkimer Highway Garage on Thursday March 6, 2025 at 9:00 AM concerning CHIP funding. Local Highway departments are not being funded properly.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file, and approve the revised engineering agreement with Prime Engineering meeting USDA/Rural development standards.

Supervisor Frank stated this is for the same plan but in the USDA format for insurance obligations.

CARRIED AYES ALL

Supervisor Frank stated that we received an email from the Herkimer County Youth Program asking if the Town of Herkimer would be interested in the 2025 Summer Program. He stated that we could do the Highway Department and the Town Park. Councilman Stalteri stated that he will take the lead on this, he would like at least 2 spots at the Town Park.

**11) Reports.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the meeting minutes and list of attendees for Osborne Hill Road Culvert 23-24 Bridge NY Project with C.T. Male, NYS DOT and Town Consultant.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file Meeting Minutes and list of attendees for Shells Bush Road Bridge 23-24 NY Project with AZAR Design Co, NYS DOT and Town Consultant.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the updated DCO Report for December 2024 from DCO Dutton.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the DCO Report for January 2025 from DCO Dutton

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the January, 2025 Bank Reconciliation from Budget Officer Baylor

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Certificate of Liability Insurance for Geraty Pools from Brown and Brown Insurance

CARRIED AYES ALL

Supervisor Frank stated this is for the Solar Project, we will pay the invoice when the Escrow Account gets replenished.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file, and approve C.T Male Associates invoice dated January 14, 2025

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the January 2025 Cash Report

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Notice of Tentative Railroad Ceilings

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Notice of Tentative Telecommunications Ceilings

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the Rescinded Emergency Order dated February 19, 2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated 2/20, 2/25 and 3/2 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Declaration dated February 20, 2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated March 3, 2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated March 3, 2025

**11) Audit:**

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept, place on file and approve the Audit dated March 3, 2025. Councilwoman DeCarlo recused herself from the Volos Auto Supply Bill.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to go into Executive Session for a personnel matter.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to adjourn from Executive Session and resume the Regular Meeting of the Town Board with no decisions made in Executive Session.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the presented contract for Daniel Maxwell as the Assessor of the Town of Herkimer for a period beginning 10/1/2025 through 09/30/2031.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilman Carbone, 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, March 17, 2025 at 6:00PM.

CARRIED AYES ALL

Kristal Moore, Herkimer Town Clerk