

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, April 21, 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
Councilman-----Randy Kast
Councilwoman-----Kathleen DeCarlo
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis

Excused: Councilman-----Daniel Stalteri
Deputy Attorney-----Kyle Crandall
Dog Control Officer-----Erica Dunton
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 Councilwoman DeCarlo, to accept and place on file the minutes of the previous regular meeting held on April 7, 2025 as written.

CARRIED AYES ALL

05) **Public Hearing**
Supervisor Frank stated he would like to continue the Public Hearing from April 7, 2025 to Establish New Water and Sewer Rates for Districts in the Town of Herkimer. Supervisor Frank stated that he has no new information concerning the Village’s water and sewer rate increase. He is still waiting to hear from the Village. Attorney Bray suggested that the board continues the public hearing into next meeting.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to continue the Public Hearing into next meeting on Monday May 5th, 2025 at 6:05PM.

CARRIED AYES ALL

06) **Public Meeting.**
Supervisor Frank stated if anyone from the public would like to speak to please state your name and why you are here. With no one from the public in attendance.

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

CARRIED AYES ALL

07) **Petitions and Communications.**
Motion by Councilman Kast, seconded by Councilman Carbone, to accept and place on file all the petition and communication A through H listed below.

Supervisor Frank stated that there are letters of support in Petitions and Communications for our up and coming grant for the Town Park.

- A. A letter dated April 10, 2025 from Supervisor Frank to Nicholas DiGennaro, Regional Local Project Liaison for NYSDOT Region 2, concerning certification of consultant(s) procurement and selection for Shells Bush Road Bridge Rehabilitation
- B. A letter dated April 11, 2025 from Charter Communications concerning an upcoming change

- C. A letter dated April 15, 2025 from Kevin Crosley, President/CEO for ARC Herkimer, to Supervisor Frank regarding the ARC Herkimer Support for Town of Herkimer's Municipal Park Grant Application
- D. A letter dated April 15, 2025 from Robert D. Hollum, Chairman for the Herkimer County Legislature, to Supervisor Frank concerning the Herkimer County Legislature's support for Town of Herkimer's Municipal Park Grant Application
- E. A letter dated April 15, 2025 from Robert Sullen, Assemblyman 118th District, to Supervisor Frank regarding his support for Town of Herkimer's Municipal Park Grant Application
- F. A letter dated April 15, 2025 from Kenneth Collis, to the Mitigation Section Review Team, concerning the Town of Herkimer East German Street Extension
- G. A letter dated April 16, 2025 from Steven Bulger, CEO/ Executive Director of ICAN, to Supervisor Frank regarding ICAN's support for the Town of Herkimer Municipal Park Grant Application
- H. A letter dated April 16, 2025 from Lisa M. Betrus, President for Valley Residential Services, to Supervisor Frank regarding Valley Residential Service's support for the Town of Herkimer Municipal Park Grant Application

CARRIED AYES ALL

07)Routing.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the 2025 NYAOT Legislative Platform

CARRIED AYES ALL

08) Resolutions

09) Old Business.

Water Districts: Highway Superintendent Ward stated the water at the Town Park is on. He stated that James Griffith is inquiring about water on his property. He stated there is no water main in front of his house. Mr. Griffith is looking to be added on to the project and he wants to know a timeline for the project? Supervisor Frank stated we should be done with the project by the end of next year. We are waiting on the Department of Health. Supervisor Frank asked what would be an alternative if he does not hook up? Highway Superintendent Ward stated he would put a well in. Councilman Kast stated that it is his responsibility until we can get a main line in. Supervisor Frank stated talk to Jeff, we need to know a parcel number. Highway Superintendent Ward stated he is not sure if they divided it yet. Attorney Bray stated they deeded it off and divided it but they still need a parcel number. Supervisor Frank stated the Village of Herkimer is done with the State of Emergency and the water is fixed. The Town of Herkimer rescinded the State of Emergency Declaration as well.

McKenna Road Enhancement Project: Supervisor Frank stated we are waiting on the permit.

West Herkimer Water: Supervisor Frank stated there is nothing new to report.

East Herkimer Sewer District: Attorney Bray stated that we do own the pump station. There is a public hearing on May 14 for the subdivision and will be filing the USDA Paperwork. Supervisor Frank stated we should be out to bid soon.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated we applied to Homeland Security for a grant last year. Emergency was declared a year and a half ago for East German Street Extension. This is the same application but we are eligible for more DR numbers. We were denied funding for the first DR number. The other two DR numbers there is no more funding and we are waiting for more funding to come. Councilman Kast asked can we receive grant money from more than one DR number. Supervisor Frank stated that he will look into it.

Codes: Codes Enforcer Collis stated he sent a certified letter to the owner of 921 Shells Bush Road, it was returned back, undelivered and unsigned. Attorney Bray stated that we should try to locate and contact him one more time. Councilman Kast stated can the Sheriff's office serve him papers? Attorney Bray stated they won't search for him. We can send another notice if we can locate him, if he does not answer the town can clean it up and add it to the tax roll. Codes Enforcer Collis stated he may have a lead on an employment and he has a contact number that a neighbor gave him that he is going to try.

Codes Enforcer Collis stated the solar project on Shells Bush Road is adding Eastern Red Cedar trees. The new manager sent a map, it showed they will be staggering the trees to make the panels

less visible. They will be started this month or next month on the trees. They still need to hook up, they are trying to get a hydro plant, will call Jerry at soil and water. Supervisor Frank asked is Folts Road cleaned up? Codes Enforcer Collis stated yes it is cleaned up. Supervisor Frank asked has child services been up to Rubino’s property? Codes Enforcer Collis stated he spoke with John Kotary to see what’s going on with child services. The troopers were supposed to come arrested them but no one has come. Supervisor Frank asked is the Landbank property still being sided? Codes Enforcer Collis stated yes, they are still working on it.

Landbank: Supervisor Frank stated there is nothing new.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated we have not receive the architects reports yet.

Town Park: Supervisor Frank stated the Town Park Committee is working on two events this summer the Wellness Fair in June and Community Days in July.

Updating Zoning Ordinance: Tabled.

Signs entering Town: Tabled.

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

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

Pullmans Flats Water Valve Repair: Highway Superintendent Ward stated there is nothing new to report.

Ampion Community Solar Agreement: Tabled.

Zoning Board of Appeals- One Appointment available: Supervisor Frank stated any recommendations for the zoning board. Councilman Kast stated David McManus.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to appoint David McManus a member of the Zoning Board of Appeals.

CARRIED AYES ALL

10) New Business.

Supervisor Frank stated he will be traveling the first week of May and is unable to attend the Regular Meeting on Monday May 5, 2025. He stated Deputy Supervisor Stalteri is unable to attend this meeting as well, can we change the date to Tuesday May 6.

Motion by Councilman Kast, seconded by Councilman Carbone to change the Regular Meeting held on Monday May 5 at 6:00 PM to Tuesday May 6 at 6:00 PM.

CARRIED AYES ALL

Supervisor Frank stated this is the Culvert design, they submitted a proposal and we approved. This is the contract with CT Male. Our consultants we employ have reviewed and approved this contract in DOT format. The price in the contract is the same as the price in the proposal. We will be done by the end of 2026.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file, and approve the Contract with CT Male for Design Engineering for Bridge NY 2023 Osborne Hill Road Culvert Project.

CARRIED AYES ALL

Supervisor Frank stated we need to set a time for the Town Park lights. Councilwoman DeCarlo stated that pickle ball usually ends at 9:00 PM. Highway Superintendent Ward asked what time is the noise ordinance? Attorney Bray stated 11:00 PM. Councilman Kast stated that it is still light out at 9:00 PM and we should coincide with the noise ordinance. Supervisor Frank stated we will come back to this next meeting once we have reviewed the Town Park Rules.

Supervisor Frank stated the Town has received a notice from the Village of Herkimer Trustees stating that the Village may potentially look at closing the Village Court sooner than next year. Supervisor Frank stated that he spoke with Justice Manne and Justice Petucci and they are aware. The Town of Herkimer would need to hire another court clerk to take on the work load. Attorney Bray stated that we can not do it until the Village Judge’s term expires. Councilwoman DeCarlo asked how busy is the Village Court, will we need another clerk? Attorney Bray stated

they will need another clerk and the space is adequate for now. Supervisor Frank stated there is grants available such as the Unified Court and the Department of State for funding.

Attorney Bray stated the Town of Herkimer is exploring the option to sue the existing land owner of 921 Shells Bush Road. The judge can override the title of the property and the Town would own the property. Herkimer County can forgive the taxes, there is two years of back taxes on the property. Supervisor Frank asked would this be quicker than the County doing something? Attorney Bray stated that he will contact Lorraine, the County Attorney. Highway Superintendent Ward asked would we have to demo it? Attorney Bray stated no, as long as it is safe. The Town of Herkimer should try to locate the owner before we proceed to see if he wants to turn it over or sell it first.

Supervisor Frank asked is there any other new business? Highway Superintendent Ward stated that about twenty stop signs were changed out, they are all legal height. We legally cannot use them again because they don't reflect anymore. Can we donate them to the snowmobile clubs? Attorney Bray stated we would have to do a resolution; he will look into it.

11) Reports.

Supervisor Frank stated this is the contract with them to do the Town Park bathroom grant writing.

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the executed contract with Barton & Loguidice for grant writing of the Handicap Bathroom at the Town Park.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the executed contract with Azar Design Co. for engineering services for the Bridge NY 2023 Shells Bush Rehabilitation Project.

CARRIED AYES ALL

Supervisor Frank stated we needed approval from NYS Empire Development before we could get approval from Northern Borders. The cost of the project may exceed the funding.

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the NYS Empire Development approval of funding extension for the East Herkimer Sewer District Project to December 2026.

CARRIED AYES ALL

Supervisor Frank stated this is for Culvert Project. NYS has a website to monitor minorities businesses. CT Male fills out then we approve it.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Local Project Consultant Agreement Equitable Business Opportunities (EBO) Data Entry Form.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Town Park Committee Meeting Minutes dated April 9, 2025

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the March 2025 Bank Reconciliation from Budget Officer Baylor.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the March 2025 Cash Report from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Renewal State of Emergency Declaration dated April 21, 2025 for East German Street Extension

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Emergency Orders dated 4/11, 4/16, and 4/21 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated April 21, 2025

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated April 21, 2025

CARRIED AYES ALL

Supervisor Frank stated we had difficulty with our accounting software. There was a double entry put in and we were unable to delete it. We called KVS and the IT group needs to do a reversal. Brian called and they took the database, the Rep. said they have to create a software to fix it.

Supervisor Frank stated there is a meeting on Thursday at Brass Tack at 6:00PM with James Wallace speaking about a new 5% bed tax for Herkimer County and how it will affect Air BnB's/Bed and Breakfasts.

Supervisor Frank stated I attended a webinar for the Associations of Towns on how to change our website domain name as our website is .org and it needs to be .gov for IT security.

12) Audit & Purchase Orders.

Highway Superintendent Ward stated he has a purchase order for a zero turn lawn mower for the town park. He is recommending we go with the Ferris lawnmower from Clinton Tractor. Supervisor Frank asked would you store it in the town park shed? Highway Superintendent Ward stated yes. Councilman Kast asked are we going to sell the old one? Highway Superintendent Ward stated yes we are going to try to. Supervisor Frank asked will there be room in the shed? Highway Superintendent Ward stated yes it will fit.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the purchase order for the zero turn Ferris lawn mower from Clinton Tractor.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the audit dated April 21, 2025.

CARRIED AYES ALL

13) 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 Tuesday May 6, 2025 at 6:00PM.

CARRIED AYES ALL

Kristal Moore, Herkimer Town Clerk