

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, June 2, 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
Councilman-----	Daniel Stalteri
Highway Supt.-----	Ken Ward
Attorney-----	Christopher Bray
Codes Enforcer-----	Ken Collis
Town Park Supervisor-----	Kathi Nasypany
Dog Control Officer-----	Erica Dunton
Excused:	Deputy Attorney-----Kyle Crandall

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 May 19, 2025 as written.

CARRIED AYES ALL

05) **Public Hearing**

Supervisor Frank stated he would like to continue the public hearing for water and sewer rates for districts in the Town of Herkimer. The Village of Herkimer is raising their water and sewer rates by 7.5% and the Town of Herkimer gets their water from the Village of Herkimer. The Town is proposing the same rate to stay even with the Village of Herkimer. Supervisor Frank asked if anyone would like to address the board regarding the proposed increase for water and sewer rates. No one in the public came forward to speak. Supervisor Frank asked Clerk Moore if anyone had been in, called, or contacted her regarding rates? Clerk Moore responded no.

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

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. No one from the public came forward to speak. Supervisor Frank stated that there were students in attendance tonight. Students: Jack Kozma, Terrace Jones, Logan Pullman, Ethan Korniat, and Dakota Barry.

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

CARRIED AYES ALL

07) **Petitions and Communications.**

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

- A. A letter dated March 4, 2025 to Supervisor Frank from Michael Kenneally, Comp Alliance Executive Director, concerning the Safe Workplace Award
- B. A notice dated April 10, 2025 from Herkimer County Clerk's Office concerning a Notice of Sale/Transfer of Ownership for 202 Zoller Ave.
- C. A notice dated May 21, 2025 from National Grid regarding terminated services for 371 Shells Bush Road.

D. An email dated May 30, 2025 from Sarah Skutt, Lead Loan Specialist USDA, concerning the East Herkimer Sewer District going out to bid
Supervisor Frank stated that this is the final approval for East Herkimer Sewer District.

CARRIED AYES ALL

08) Resolutions

Supervisor Frank stated Resolution NO. 19 of 2025 and Resolution No. 20 of 2025 are back on the agenda. Becoming a Climate Smart Community would help us with grants for the State of New York. Councilman Stateri stated we should set something in place limiting the amount of Solar Farms in the Town of Herkimer. This will get us points in the grant process but I think we should go forward with caution. Supervisor Frank stated Chris Balamonte offered to come down and to look into the process of limiting the amount of solar farms in the area. We would have to form a committee to work toward some of these objectives. Councilman Stateri stated we need more information by them to have more of an understanding. Councilman Kast stated he agrees, what does this all mean for the Town of Herkimer. Supervisor Frank stated he will contact them to have an informational meeting.

Motion by Councilman Stateri, seconded by Councilwoman Decarlo to table Resolution NO. 19 of 2025 – Resolution to adopt the Climate Smart Communities Pledge.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to table Resolution NO. 20 of 2025 – Resolution to recognize and approve the Town of Herkimer Climate Smart Communities Task Force.

CARRIED AYES ALL

Attorney Bray stated the approval we were waiting for from the DEC has been completed. This resolution is to call for bids for the East Herkimer Sewer District.

Motion by Councilman Kast, seconded by Councilman Stateri to accept, place on file, and approve Resolution NO. 21 of 2025 – Resolution to Town of Herkimer East Herkimer Sewer District Project Call for Bids.

CARRIED AYES ALL

Attorney Bray stated this resolution is for Mckennan Road project. We have been permitted but we have to wait for the papers to start the project and to go out to bid.

Motion by Councilman Stateri, seconded by Councilman Kast to accept, place on file, and approve Resolution NO. 22 of 2025 – Resolution in connection with the Town of Herkimer Mckennan Road Water District NO. 3 Water System Improvements Project Call for Bids.

CARRIED AYES ALL

09) Old Business.

Water Districts: Highway Superintendent Ward stated the Ross Valve in Pullman Flatts is fixed. We turned it off a couple weeks ago and the company came the next day to fix it.
Mckennan Road Enhancement Project: Supervisor Frank stated we should have the permit shortly and then we can go out to bid.

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

East Herkimer Sewer District: Supervisor Frank stated bids are going to come in higher than the budget, our numbers are from five years ago. We would have to ask the USDA for more. Attorney

Bray stated we borrow the extra and rebond after the bids come in. we will deal with the difference once we get the numbers.

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

Codes: Codes Enforcer Collis stated he spoke with the owners of 371 Shells Bush Road. They had garbage stacked high and they were loading it into a trailer. The owner is getting money to pay the electric, the taxes are paid, the owner is moving into the behind house and will be renting out the front. Supervisor Frank asked did you speak to them about the noise? Codes Enforcer Collis stated the owners said they didn't know about the noise ordinance and they will be quiet.

Landbank: Councilman Stalteri stated they are working on the units. Attorney Bray asked are the units rented out? Councilman Stalteri stated I think three are rented out. The only reason I can see them not opening is the water bills are pass due.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated last meeting we agreed on a layout for the Butler Building and they are working on a cost for that decision. Highway Superintendent Ward stated they are getting ready to put the no parking signs up.

Town Park: Town Park Supervisor Nasypany stated she did a walk through with Jeff for the flowers and plants that did not make it through the winter. We have a year to replace them which is up in July. Everything is looking good for the Wellness Fair on June 14 and we have a meeting next Wednesday. Supervisor Frank stated he was asked to contact WKTU. Highway Superintendent Ward asked are you ready for mulch? Town Park Supervisor Nasypany stated yes. Supervisor Frank stated there was an exercise challenge done in honor of Mr. Miller by member of the community. Zach Steele was the coordinator of this and the exercises were done with weighted vest. The plaque for the Town Park has been ordered and will be placed on the rock that Highway Superintendent Ward donated. Enea Business Memorial will take the rock and it should be done by community days. Are the flag poles up at the park? Highway Superintendent Ward stated the flag poles and flags will be up by June 14th.

Updating Zoning Ordinance: Tabled.

Signs entering Town: Supervisor Frank stated we agreed on the rules and where we want them.

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: Supervisor Frank stated it is fixed and we can take it off the agenda.

Ampion Community Solar Agreement: Tabled.

Veterans Banners: Highway Superintendent Ward stated we have 2, we submitted them to National Grid and we are waiting to hear back from them.

10) **New Business.**

Highway Superintendent Ward stated that he reached out to the neighbors regarding the street lights and they are okay with it and he will reach out to National Grid.

Supervisor Frank stated he recommends that we make it effective May 1, 2025 and get a letter out to customers ASAP. The Village of Herkimer has increased their water and sewer rates by 7.5 percent.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the proposed water and sewer rates increase of 7.5 percent.

CARRIED AYES ALL

11) **Reports.**

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file Planning Board Meeting Minutes dated May 14, 2025.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Carbone to accept and place on file the Planning Board Meeting Minutes for May 21, 2025.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Insurance fort rented equipment.

CARRIED AYES ALL

Supervisor Frank stated we fill this form out for special events

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone to accept and place on file the New York Municipal Insurance Reciprocal (Special Events)

CARRIED AYES ALL

Supervisor Frank stated Osborne Hill Road will be closed for drilling. Highway Superintendent ward stated the road closure was put on the website and social media. Councilman Stalteri stated we need to get a letter and have an informational meeting with Jim Edwards to know the process of what they are doing, etc.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Road Closure for Osborne Hill Road for culvert replacement.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Herkimer County Mortgage Tax Report.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Emergency Orders dated 5/21, 5/26, and 5/31 for East German Street Extension

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated June 2, 2025.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated June 2, 2025.

CARRIED AYES ALL

Supervisor Frank stated he is adding to the agenda, an estimate from Jim Werzynski Excavating. Supervisor Frank stated he received an email from Matt Spisak regarding an estimate to remove the rock wall. Attorney Bray stated he requested a meeting and he has not heard back from the village. Highway Superintendent Ward stated they admit they put the wall up and they are under the impression that we signed off on it. Councilwoman DeCarlo asked who signed off? Highway Superintendent Ward stated I am not sure; I do not think we ever did. Councilman Kast stated it is not our wall we should not have to repair or replace it. Attorney Bray stated he is still open to talking to the Village but we should proceed with caution with pay due to future expenses. Supervisor Frank stated we should wait for a meeting with the village. Councilman Kast asked why did we receive an estimate? Councilman Stalteri stated they want us to help absorb some of the cost and I agree we should not answer until we have a meeting. Is there concern by a neighbor that the wall will cause a dam. Do you know where we stand with the email that the state sent? Supervisor Frank stated he responded to Governor's Office that the Town of Herkimer is in good shape. Do we want to abandon that part of Oberle Road? Attorney Bray stated he can start the process to abandon that part of the road. When did we close the road originally? Highway Superintendent Ward stated it was before the wall, I believe it was 2017. Attorney Bray stated it has to be 6 years and we can start the process. Abandonment will just go to the adjacent land owners.

Supervisor Frank asked if there are any other reports. DCO Dutton stated she has a lot of thing to discuss with the board regarding dog control and she would like to do it in executive session as there is personal information in the cases.

Supervisor Frank stated he will be out of town June 16 to July 4 and Deputy Supervisor Stalteri will run the next meeting.

12) Audit

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept, place on file and approve the audit dated June 2, 2025.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to go into Executive Session for litigation.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to have all invoices from the Herkimer County Humane Society reviewed by DCO Dutton prior to being included in audits.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Carbone that all DL-18 forms documented by the Herkimer County Humane Society which describes the society's determination of a dog's circumstances associated with the Town of Herkimer be reviewed by the Herkimer Town Board

CARRIED AYES ALL

13) Adjourn.

Motion by Councilman Carbone, 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 June 16, 2025 at 6:00PM.

CARRIED AYES ALL

Krystal Moore, Herkimer Town Clerk