

01) Supervisor Frank called to order the **Special Meeting** of the Town Board of Herkimer held on Monday, December 30, 2024, at 11:00 AM 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
Codes Enforcer-----Ken Collis
Town Park Supervisor-----Kathi Nasypany
Deputy Attorney-----Kyle Crandall
Dog Control Officer-----Erica Dunton

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 December 16, 2024 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.

Chris Baiamonte, our consultant attorney from the Wladis Law Firm was in attendance. Chris Baiamonte stated that the next steps for the Folts Road Solar Project is to finalize the seeker, part 1/part 2 and to get an approval of the special authorization application. Chris Baiamonte stated Techno Tech sent a letter on December 16, 2024, the applicant tried to touch base on all the questions that were asked at the public hearing. Chris Baiamonte stated that Frank Palumbo, consultant engineer and I agreed that there are no major issues regarding the solar project on Folts Road. Chris Baiamonte stated that on December 27, 2024 he wrote a letter to Techno Tech and a Road Use Agreement. Chris Baiamonte stated that the electric magnetic fields are not a health and safety concern, he will get the study for the Town records. Chris Baiamonte stated that Frank Palumbo would be able to speak more about the solar project regarding health and safety concerns. He called Frank Palumbo for the Town Board to speak with. Frank Palumbo stated that the solar project is a safe distance from the power poles. The type of impact would be the same impact as you would receive from using your cellphones, laptops, etc. Frank Palumbo stated that he spoke with one of the electrical engineers and the next step is to strongly recommend a 16-foot fence. 16 feet is what the engineers judge that the electrical charge and magnetic fields will impact. Residents are a greater distance away therefore they do not see any health issues. Frank Palumbo stated that concerning the high tension lines, it has always been a large argument if they are safe or cause health concerns. The houses right below, government agencies have reviewed and have done lots of studies which have resulted in no negative impact or health concerns. Frank stated that he does not see this project causing a negative health impact. Supervisor Frank asked from the proximity of the power lines and the solar panels could they potentially intensify the exposure? Frank Palumbo stated that he doesn't see with the locations that this would create an increased risk. Frank stated that he does not want to discount people's thoughts but the research states that it cannot be directly connected with serious health issues. Frank stated that he cannot see it increasing it but he cannot deny it, he will speak with the electrical engineers for the likelihood. Councilman Stalteri asked does solar farms change the temperature of the area that it is in? Frank

stated no, the completeness of weather environments science does not back it up. I do not think it will have an impact on such a small area. Councilman Stateri asked how hot does a solar panel get? Councilman Stateri stated that they are made to absorb heat, does the unit itself heat up? Frank Palumbo stated that he will inquire about the temperature with him engineers. Councilman Stateri stated that he is finding research that states that solar panels create a change in the weather and cause a change or increase in thunderstorms. Frank Palumbo stated that he will speak to his engineers on this. Councilman Stateri stated that he knows the residents are going to ask these questions and I want to be prepared, we would like for you to be at the public meeting for the solar project. Frank Palumbo stated that he will be out of town January 16 to January 22 but he can send someone to fill in if need be and that he will work on getting these answers. Supervisor Frank stated that the public meeting will be held on February 3, 2025 at 6:00PM and we will need to get letters out to the residents. Councilman Stateri stated that we need to notice the residents. What happens if we do not allow the project to move forward. Chris Baiamonte stated that we would be subject to a lawsuit. Chris Baiamonte suggested that we go into executive session to discuss this.

Motion by Councilman Stateri, seconded by Councilwoman DeCarlo to go into executive session to discuss litigation.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilman Carbone to close the executive session with no decisions made.

CARRIED AYES ALL

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A letter dated December 18, 2024 to Supervisor Frank from Lauren Townley, Section Chief for the Water Assessment and Implementation Bureau of Water and Management, concerning Consolidated Funding Application (CFA) for the 2024 Non-Agricultural Nonpoint Source Planning and MS4 Mapping (NPG) program.
- B. A letter dated December 20, 2024 from Supervisor Frank to Jennifer DeMetro, concerning her resignation as the Herkimer Town Clerk.
- C. A letter dated December 20, 2024 from Supervisor Frank to Krystal Moore, concerning her appointment as the Herkimer Town Clerk.
- D. A letter dated December 23, 2024 from Steven Heerkens, the NYSDEC Region 6 program manager for the Bureau of Ecosystem Health (BEH) regarding recent staff changes and updated regulations for BEH.
- E. A letter dated December 23, 2024 from Paul Nolan, Regulatory Consultant for Stone Ride Hydro LLC, concerning a draft license application for the review and request submission of written comments for the Herkimer Hydro Project.
- F. A letter dated December 23, 2024 from Julie Richmond, Director of the Herkimer-Oneida Counties Transportation Council, concerning the project concepts solicitation for the HOCTC 2025-2029 Transportation Improvement Program.
- G. A letter dated December 26, 2024 from Supervisor Frank to the Office of the State Comptroller Manager, Ms. Mary Berghela, requesting an extension of the filing of the Town of Herkimer's 2024 Annual Financial Report.
- H. A letter dated December 27, 2024 from Robert J. Murphy, managing community planner for Barton & Loguidice, concerning a notice of intent to establish a lead agency.
- I. A letter dated December 30, 2024 from Supervisor Frank to Michael Walz, concerning his resignation from the Highway Department.
Supervisor Frank stated that a letter to Mike Walz accepting his resignation at this meeting.

J. A letter dated December 30, 2024 from Alex Camarda, Associate VP, State Government Affairs for Charter Communications, concerning an upcoming change.

CARRIED AYES ALL

07) Routing.

Village of Herkimer Important Information about lead in your Drinking Water Notice.

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Drinking Water Notice

CARRIED AYES ALL

08) Resolutions & Transfers

Supervisor Frank stated that there is 14 Transfers to. He stated that we are over budget on mechanic salary/line and we are making a transfers for the two remaining payrolls for 2024. A transfer from A fund to DA fund to cover the salt truck.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve the 14 transfers.

CARRIED AYES ALL

Old Business.

Water Districts: Highway Superintendent Ward stated that last week there was two houses that pipes froze on Piper Road. They were able to get thawed and they built an isolated box. On Christmas Eve, 121 Piper Road had a water break in the basement and had to shut off water. Highway Superintendent Ward stated that he spoke with Ken collis and he said the house is condemned. Highway Superintendent Ward stated that he believes there are squatters living in it, the bank pays the water bill and the electric is still on. Councilman Stalteri stated that Ken Collis needs to get in touch with the bank.

Mckennan Road Enhancement Project: Supervisor Frank stated that we are waiting on permits.

Town Park: Supervisor Frank asked how far did they get with the shed? Councilman Stalteri stated that the shed is framed. Supervisor Frank asked how are we on creating a Town Park committee? Councilwoman DeCarlo stated that there will be a committee meeting next week with Town Park Supervisor Nysphany, Shannon Costello and I at the Town Office Building. Councilwoman DeCarlo stated that we spoke with the office of the aging about looking to do classes at the Town Park.

Councilwoman DeCarlo stated that the committee spoke with the Herkimer College regarding PE credit at the Town Park and the college stated that they would not be able to do that as the credits need to be done at the Herkimer College. Supervisor Frank that Shannon Costello is going to be creating a Facebook for the Town Park. Councilman Stalteri stated that more tiles popped up, he will be taking pictures and will let them know to come fix it.

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

East Herkimer Sewer District: Attorney Bray stated that there is no feedback from the landowner.

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

Codes: Codes Enforcer Collis stated that on Christmas eve the Fire Department called him to come down to 121 Piper Road and to condemn the property. Codes Enforcer Collis stated that two people live there and that they used to have five kids living there but they were all taken away. He stated that there is no driveway to the property and that the stairs inside are very steep and narrow. Codes Enforcer Collis stated that the Solar Project on Shells Bush Road has all the panels up but they are not working yet and that they will start using the solar farm in February. Councilman Stalteri asked did they put greenery up? Codes Enforcer Collis stated that not yet they will be putting it up in the spring. Councilman Stalteri asked did they figure out how to connect to the grid? Codes Enforcer Collis stated not yet, the resident will not give them access to do so.

Landbank: Supervisor Frank stated that there is nothing new.

Subdivision Local Law: Supervisor Frank stated that Attorney Bray was going to talk to the attorney we talked to before about a proposal.

160 Pine Grove Road: Councilman Stalteri stated that he got an alarm that the fire alarm was to cold.

Updating Zoning Ordinance: Supervisor Frank stated that the new zoning maps are framed.

Signs entering Town: Tabled. Highway Superintendent Ward stated that he is working on them.

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

Public Safety: Tabled.

AOT Delegate: Supervisor Frank stated that Justice Petucci will be our alternate for the AOT conference and training.

Pullmans Flats Water Valve Repair: Highway Superintendent Ward stated that he talked to Matt and Ross Valve is coming look at it.

Amption Community Solar Agreement: Supervisor Frank stated that he will get the refund amounts and will do after the first of the year.

10) New Business:

Zoning Board of Appeals- One appointment available: Supervisor Frank stated that we are still looking for one appointment for the zoning board.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file that the Restore NY Application, Application not submitted.

CARRIED AYES ALL

Motion by Councilwoman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Cash Report for October, 2024 from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Bank Reconciliation Report for October, 2024 from Budget Officer Baylor.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Executed Agreement for Designation of Water Operator for E.H.W.D dated 12/18/2024.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the DCO Reports for November, 2024 from DCO Erica Dutton.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Executed Dog Control Agreement and Proof of Insurance for 2025.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Executed Herkimer County Humane Society Agreement for 2025.

CARRIES AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated 12/17, 12/22, and 12/27 of 2024 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Report dated 12/22/2024 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Revenue Expense Report dated December 29, 2024.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated December 29, 2024.

CARRIED AYES ALL

Supervisor Frank stated that we were denied our parks grant and will be scheduling a debriefing and we were also denied an application for mitigation. Supervisor Frank stated that becoming a Climate Smart and Energy Clean Town will help with future grants. Mohawk Valley has someone who will work with us on becoming Energy Clean and Climate Smart. Supervisor Frank asked if there is anything else for reports. Highway Superintendent Ward stated that a truck had went into a ditch on Pine Grove Road Saturday morning. He stated that he spoke with the insurance adjustor and he called the State Troopers who responded to the incident. Highway Superintendent Ward stated that the driver of the truck is okay and that we will need new springs on the truck. He stated that the cab is a little messed up but he does not think the frame is bent.

11) Purchase Orders and Audit.

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to approve the purchase order for Justice Manne to attend the AOT Conference and Training.

CARRIED AYES ALL

Supervisor Frank stated that there are three vouchers being added to the Audit for East Herkimer Water, Highway Garage, and Snow.

Motion by Councilman Stalteri, seconded Councilwoman DeCarlo to accept and place on file the Audit dated December 30, 2024.

12) Adjourn.

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri that the Special Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, January 6, 2025 at 6:00PM.

CARRIED AYES ALL

Krystal Moore, Herkimer Town Clerk