

01) Supervisor Frank called to order the **Special Meeting** of the Town Board of Herkimer held on Monday, December 28, 2023, at 10:30AM 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  
Highway Supt.-----Ken Ward

Excused: Councilman-----Vito Carbone  
Councilman-----Randy Kast  
Attorney-----Christopher Bray  
Codes Enforcer-----Ken Collis  
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 Councilman Stalteri, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous regular meeting held on December 18, 2023 as written.

CARRIED AYES ALL

**05)Public Meeting.**

Supervisor Frank stated with no one here from the public he would entertain a motion to close the public meeting.

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

CARRIED AYES ALL

**06)Petitions and Communications.**

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file all the petitions and communications 6A through F listed below.

- A. A Resolution passed by the Herkimer County Legislature on December 13, 2023 authorization the cancelation of the outstanding tax liens on tax parcels in the Village of Herkimer.
- B. Letters dated December 20, 2023 from Supervisor Frank to Darren Bonaparte of the Saint Regis Mohawk Tribe of Indians and the Jesse Bergevin and Raymond Halbritter of the Oneida Indian Nation concerning the East Herkimer Sewer District.  
Supervisor Frank stated the proper letters were written and sent out to the tribes.
- C. A letter dated December 20, 2023 from Supervisor Frank to NYS Division of Homeland Security and Emergency Services District Assistance Manager, Sharon Smith, requesting the withdraw of the Cat Z project [167323] Management Cost-Herkimer Town of.
- D. An email dated December 21, 2023 from Jamie Foster of A2Zasbestos concerning the approval of the variance for 202 Zoller Avenue.
- E. A letter dated December 28, 2023 from Charter Communications Government Affairs Sr. Director, Alex Camarda, concerning upcoming changes in service.

F. Letters from Herkimer County Properties Committee Chairman Mark Gaworecki, Senator Joseph Griffo, Herkimer County Legislature Chairman Vincent Bono, and Ilion Mayor John Stephens in support of Herkimer County's request to be approved as a New York State Land Bank.

Supervisor Frank stated a couple of weeks ago Legislator Mark Gaworecki sent an email looking for a letter of support to use as a template for the County who is looking to form its own Land Bank. He stated his is only reservations is not jeopardizing our project for the trailer park at 220 Main Road. He is aware that there were issues between Herkimer County and the Greater Mohawk Valley Land Bank (GMVLB) and the Department of State intervened. The County had members on the Greater Mohawk Valley Land Banks Board who decided to remove themselves from the board as they did not agree with how things were going so they parted ways. The County then passed a resolution stating Herkimer County would withdraw from the GMVLB as a member and subsequently made an agreement with GMVLB allowing GMVLB to have limited operations in Herkimer County including certain projects that have already been in progress, in which our project at 220 Main Road was one of them. Councilman Stalteri stated he is aware that some of the legislators are not in favor of the trailer park and disagree with it but he thinks this project will be a great benefit for the town. Both agreed that as the GMVLB seemingly has limited powers in Herkimer County it seems reasonable to have a fully operational land bank in the County and they are willing to support the County's initiative as long as there is no impact on the fruition of the trailer park project. Supervisor Frank indicated that he would craft a letter to that affect.

CARRIED AYES ALL

**07) Routing.**

**08) Resolutions.**

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept, place on file and approve Resolution No. 43 of 2023 to authorize the Town Supervisor to Execute the Contract for the Town Park Improvements with the corrections to be made by Clerk DeMetro for the wording of the additives.

Supervisor Frank stated in correspondence with our engineer, Jeff Nadjes, thought we should send the contract to Central Paving unsigned for them to sign it first and return back to us. He stated we will get it sent out tomorrow. He stated Attorney Bray has reviewed to his satisfaction the contract and the bonding agreement.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept, place on file and approve all seventeen (17) transfers suggested by Supervisor Frank.

Supervisor Frank stated most of these are for balancing out payroll, some are for anticipation of building charges still to come, some were because water accounts were charged incorrectly, two were for two payrolls that were accidentally duplicated, one was for youth services for the cost of the of \$8,000 we agreed upon for the pool contribution, some were for cost contributed the 160 Pine Grove Road, and some were for the Supervisors account. The State Retirement was less than we had budgeted for so we were able to use those funds to even out some of the other accounts.

CARRIED AYES ALL

**09) Old Business:**

Highway Superintendent Ward started the issue he brought up at the last meeting with the water usage being high for Valley Health has been resolved. They found a leak error with

water flow by the dishwasher which would flow additional water for flushing. The solenoid has since been turned off and they are ordering the parts.

**10)New Business.**

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to allow Supervisor Frank to sign the letter of support for the County’s request for approval to have a Land Bank with the contingency of Attorney Bray providing proper language that the 220 Main Road trailer park project be able to progress and come to fruition.

CARRIED AYES ALL

Councilman Stalteri stated he received several phone calls on Christmas Eve in regards to a Facebook post that was created by our Dog Control Officer on her private page about a cat picked up in Mohawk that would not be taken in by the humane society. The Humane Society Board has expressed how upset they were about this and are in discussion on whether or not she will be allowed to work with them. Supervisor Frank stated he spoke to DCO Dunton her and asked that she take down the post by 11:00 AM that day for if she does not and is no longer allowed to work with the humane society it would possibly jeopardize her position here. Councilman Stalteri stated we are required by law to have a dog control officer and this is a cat issue in a different jurisdiction so he recommended to the Humane Society that they should be contacting the Village of Mohawk as well. The Humane Society expressed their concerns of the post impacting their fund raising that they are doing. Supervisor Frank stated from talking with the humane society they have had long standing issues with our DCO Dunton and that we will have to see what the outcome is of their meeting that was to take place today and go from there.

**11) Reports.**

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the C.T. Male Schematic Design Drawings & Estimate of Probable Cost of the West Canada Creek Landslide Prevention Scoping Project dated December 12, 2023. Supervisor Frank stated this report includes the blue prints, diagrams, projections costs including their cost part and final engineering to be bid for the necessary drainage and sheet piling.

CARRIED AYES ALL

Motion by Councilman Stalteri, second by Councilwoman DeCarlo to accept and place on file the Planning Board Meeting Minutes dated 11/8/23 and 12/20/23. Clerk DeMetro stated as you see in the Planning Board Minutes, they discussed how in accordance with our Zoning Ordinance this does not meet the requirements for a Special Authorization Application and this should be referred to our Zoning Board of Appeals. Supervisor Frank stated he will take the Planning Boards recommendation and refer this to the Zoning Board Appeals.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to refer the special authorization application to the Zoning Board of Appeals.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Signed Agreement with Fiscal Advisors & Marketing, Inc. dated 11/28/23 for the EHSD Project.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Emergency Orders 12/23 and 12/28 of 2023 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Declaration for East German Street Extension dated 12/28/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, second by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated December 27, 2023.

CARRIED AYES ALL

Motion by Councilman Stalteri, second by Councilwoman DeCarlo to accept and place on file the Trial Balance Report dated December 27, 2023.

CARRIED AYES ALL

Highway Superintendent Ward stated he would like to report that the fence is up on East German Street Extension and they will be coming tomorrow to put the gates in.

**12) Purchase orders and Audit.**

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

Motion by Councilwoman DeCarlo seconded by Councilman Stalteri to accept and place on file the Audit dated December 28, 2023.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman DeCarlo, second by Councilman Stalteri to adjourn from Executive Session and resume the regular meeting of the Town of Herkimer. No decisions made in Executive Session.

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, January 2, 2024 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk