

01) The **Regular Meeting**, of the Town Board of Herkimer was held on Monday, May 2, 2016, at 6:00PM, at the Herkimer Town Hall, 114 N. Prospect St., Herkimer, NY 13350.

02) Present: Supervisor-----Dominic Frank  
Councilman-----Randy Kast  
Councilman-----Daniel Stalteri  
Councilwoman-----Kathy Penree  
Attorney-----Jessica Manieri  
Highway Supt.-----David McManus  
Codes Officer-----Ken Collis

Excused: Councilman-----Vito Carbone  
Deputy Attorney-----Kyle Crandall

**03) Pledge of Allegiance to the Flag.**

Councilman Stalteri led us in the Pledge of Allegiance to the Flag.

**04) Reading of the Minutes of the Previous Meeting.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file the minutes of the April 18, 2016 meeting as written.

CARRIED AYES ALL

**05) Public Meeting.**

No one from the public appeared.

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

CARRIED AYES ALL

**06) Public Hearing.**

Supervisor Frank read the public notice to raise the water and sewer rates for all districts. He then asked if anyone would like to address the board. No one from the public was present. He asked Clerk DeMetro if anyone has been in, called or contacted her regarding the rates. She responded no.

Motion by Councilman Stalteri, seconded by Councilman Kast, to close the Public Hearing.

CARRIED AYES ALL

**07) Petitions and Communications.**

A.) Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file a letter dated March 14, 2016, from Michelle Gaissert of Time Warner Cable, concerning the current franchise fee due to our municipality.

Supervisor Frank stated we received it.

CARRIED AYES ALL

B.) Motion by Councilwoman Penree, seconded by Councilman Kast, to accept and place on file a letter dated April 13, 2016, from the NYS Department of Health concerning the Revised Total Coliform Rule.

CARRIED AYES ALL

C.) Motion by Councilman Kast, seconded by Councilman Stalteri, to accept and place on file a letter dated April 18, 2016, from Senator James Seward, concerning the NY Rising Community Reconstruction Plan Funding.

Supervisor Frank stated he wrote letters to Assemblyman Butler and Senator Sewerd asking for letters of support. He stated he thought we were getting money to stabilize the West Canada Creek but it seems now after receiving a letter from the Department of State that we will not be getting any. He stated he will do a follow up with both Sewerd and Butler to see if they can assist with helping us get funding for this project. Jeremy Silverman of GEMS Grants stated we were only awarded a 50/50 match of funding for this project. Meaning we asked for a \$100,000 but they are only willing to give us \$50,000 and we have to match the other half. Supervisor Frank was hoping to

get more funding to cover the other half. Jeremy suggested that the Town possibly look to do a smaller portion of the project to lower cost. Jeremy stated this project would have to go out for bid because it is state funding. Supervisor Frank asked Jeremy to draft an RFP so we can get them out so bidders.

CARRIED AYES ALL

D.) Motioned by Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file a letter dated April 19, 2016, from NYS Department of Public Service Consumer Advocate, Michael Corso, concerning the Clean Energy Standard program.

CARRIED AYES ALL

E.) Motioned by Councilman Stalteri, seconded by Councilman Kast, to accept and place on file a letter dated April 20, 2016, from the Village of Herkimer Water/Sewer Superintendent, Scott Blais, concerning the Gravesville Transmission Line.

CARRIED AYES ALL

F.) Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file a letter received April 21, 2016, from Herkimer County Treasurer, Kim Enea, concerning Herkimer County's Sales Tax.

Councilman Stalteri asked if that is near our budget number. Councilman Kast responded stated that we are down a little.

CARRIED AYES ALL

G.) Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file a letter received in April of 2016, from the NYS Insurance Fund, concerning a certificate of workers' compensation insurance for Central New York Construction Inc.

CARRIED AYES ALL

H.) Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file letters dated April 21, 2016, from Supervisor Frank, to homeowners who participated and who were randomly selected to possibly receive the 2016 Home Improvement Award.

Supervisor Frank stated we received an email from the manager of this program to adjust our budget figures. Supervisor Frank will work it out with Jeremy. He stated they have until the end of the month to review the contract for the grant. He has asked Jeremy and Jessica to review it. Jeremy stated Clerk DeMetro will have to publish a notice and that the next steps will be getting needed information for the residents selected. He also stated he has a meeting set up with Don Denapole on Friday to oversee the contracts.

CARRIED AYES ALL

I.) Motion by Councilman Kast, seconded by Councilman Stalteri, to accept and place on file letters dated April 25, 2016, from Supervisor Frank, to the homeowners of Highland/Beardslee Ave. who received reimbursements for the sewer hookup fee.

CARRIED AYES ALL

**08) Routing.**

Motion by Councilman Stalteri, seconded by Councilman Kast, to accept and place on file the Annual Financial Report for 2015.

Supervisor Frank stated this is the report we file with the State Comptroller, USDA, and banks we do business with.

CARRIED AYES ALL

**09) Resolutions & Local Laws.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file the Resolution #11 – 2016 establishing the new water and sewer rates for all districts.

CARRIED AYES ALL

Supervisor Frank stated he has handed out another resolution to the board that would allow him to enter into the NYS Home Program Recipients Contract upon everyone's review.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the resolution #12 – 2016 allowing the Supervisor to enter into the NYS Home Program State Recipient Contract.

CARRIED AYES ALL

**10) Old Business.**

Water Districts- Supervisor Frank stated he received a call from Mildred Wheeler concerning the letter we had sent to Fred Wheeler for the out of district water user contract. We gave them until April 30<sup>th</sup> to respond and she realized they had missed the deadline. But she also had concerns about it not being in her name and that it had the wrong address on it. Supervisor Frank stated he will make the changes and get a new contract to her.

Rules and Regulations: Supervisor Frank stated he would like set up a time to discuss these with the board. The board agreed to have a workshop meeting on Wednesday, May 4<sup>th</sup> at 3:00 to do so.

Codes Issues- Codes Enforcer Collis stated he received seven dig safely notifications for those wanting to hook up on Highland/Beardslee Ave. but as far as he knows only five have paid so far and not all of them have filled out the building permits.

He also wants to discuss a property in East Herkimer on Main Road. He stated the house is deteriorating really bad and the garage out back is collapsing. He stated he wrote a letter to the owners and gave them two weeks to respond but has not heard anything from them. He stated no one lives there. Councilman Stalteri recommended condemning it.

Retirement Record Keeping and Reporting- Clerk DeMetro wanted to remind everyone to finish up there sheets and to please have them handed in as soon as possible.

Supervisor Frank stated he has handed out a spreadsheet of what we need to prioritize for what we want done so we can get the BAN. He stated this spreadsheet shows what we have delegated money to so far. He also stated we still need to find an electrician for the Highway Garage. Highway Supt. stated he had one guy come look at but the guy told him no way. Supervisor Frank stated we are going to need a new furnace for our tenant. He has included a quote for it. He also stated we have replaced the copier with one that we are now leasing. Frank asked the board to look at the spreadsheet and let him know their thoughts so we can continue with the process. The board agreed to review the spreadsheet during the workshop meeting on Wednesday, May 4<sup>th</sup>.

Highway Supt. McManus stated the water line for Lowe's will be starting this week. He stated the original contractor backed out to put it in so now Todd's Cable will be doing it. He states Todd's Cable has come up with a better plan.

McManus also stated he has replaced more street signs.

He also asked if we have heard anything from Auctions International yet. Supervisor Frank replied not yet.

**11.) New Business.**

Property Maintenance Law- Supervisor Frank stated he thought we had passed local law for trash and junk before but we never did. He handed out a draft of what they had been working on before. He stated he thinks it is something our town should have and it would give Codes Enforcer Collis more authority. He asked the board to review it and let him know of any changes they would like.

Soliciting Law- Clerk DeMetro stated Solarcity has sent people in to get a solicitors license. She noticed under our fee schedule there is a \$50 fee per application but has not found a local law to go with it. She has been in contact with the state and they have no record of one for us either so she will be contacting nearby town and village clerks to see what they so we can create our own.

Motion by Councilman Stalteri, seconded by Councilwoman Penree, to go into executive session.

CARRIED AYES ALL

Motion by Councilman Stalteri, Councilwoman Penree, to close executive session with no action taken.

CARRIED AYES ALL

**12) Reports.**

Motion by Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file the 2013 Audit from the Bonadio Group.

Supervisor Frank stated we needed to do an audit for a few of reasons; we had a new software program, change in staffing and we had quite a bit of federal money come in that year. Part of the delay for getting this done was the personnel turn over and getting the audit company here to do it. In terms of the financials, we finished 2013 and it was in good financial standing.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file the 2016 Sales Tax Report.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file the Trial Balance report dated 05/02/2016, from Bookkeeper, Amanda Viscomi.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman Penree, to accept and place on file the Revenue and Expense report dated 05/02/2016, from Bookkeeper, Amanda Viscomi.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file the April, 2016 Dog Control Officer's Monthly Report from Joshua Leone.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file the April, 2016 Monthly Town Clerks Report from Clerk DeMetro.

CARRIED AYES ALL

**13) Audit.**

Motion by Councilman Kast, seconded by Councilwoman Penree, to accept and place on file the audit dated 05/02/2016.

CARRIED AYES ALL

**14) Adjourn.**

Motion by Councilwoman Penree, seconded by Councilman Kast, that the Regular Meeting of the Herkimer Town Board be adjourned, until the next Meeting that is scheduled for Monday, May 16, 2016 at 6:00PM.

Councilman Kast wanted to remind everyone of the Memorial Day Parade coming up. Supervisor Frank stated he hope everyone can attend.

CARRIED AYES ALL

*Jennifer M. DeMetro, Herkimer Town Clerk*