

01) The **Regular Meeting**, of the Town Board of Herkimer was held on Monday, March 21, 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
 Councilman-----Vito Carbone
 Councilwoman-----Kathy Penree
 Attorney-----Jessica Manieri
 Highway Supt.-----David McManus
 Codes Officer-----Ken Collis

Excused: 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 Councilman Carbone, to accept and place on file the minutes of the March 7, 2016 meeting as written.

CARRIED AYES ALL

05) Public Meeting.

Annett Dunn of 1004 Highland Ave. stated she received a letter in the mail stating she had to hook up to sewer by November of 2016. She stated she came in to pay the hook up fee and the fee was different. She stated she was notified in 2012 that the fee to hook up was \$500 but when she came in she was told it was now \$800. She stated she never received anything stating the change in cost. She spoke with the village and was told that it was \$500 and that the town was notified and given a one year grace period before the new hook up fee went into effect. She wants to know why the residents were never notified of the change in the fee amount. She thinks it is not fair and that they should only have to pay the \$500. Supervisor Frank agreed stating it was our fault for not notifying everyone. He stated they had agreed on \$500 with the Village and were unsuccessful in trying to keep it at that rate. He stated the village sets the fee rate and then we owe them that money.

Earl Philips of Highland Ave. asked if you had a year to notify us, why didn't you do it? Supervisor Frank stated Annett is correct we did not notify the residents of the change in price. He stated he only verbally told people of the change. He also stated many people have hooked up and paid the \$800. Earl stated that isn't fair and doesn't make it right. Supervisor Frank stated we have no control over the fee, the village determines the fee and pay them for the service. Annett stated that it is not fair, we should have been notified because \$300 is a lot of money. Earl stated the residents shouldn't get penalized because we didn't know. He stated we didn't deal with the village, we dealt with the town and we were only ever told the rate was \$500. Supervisor Frank stated he understands and will have to discuss it with the board. Councilman Stalteri asked how many people have hooked up out of the twenty. Supervisor Frank stated eight and out of that eight six have paid the \$800, the other two paid before the rate changed.

John Dibble of 1012 Highland Ave. asked about the empty house that is next to his, he stated no one lives there, is this something everyone would have to hook up to. He also asked why this is happening now. Supervisor Frank stated everyone will have to hook up and those who do not will have their system tested with dye by the towns' codes enforcer and if it does not pass the town will then insist that the resident has to hook up. Councilman Stalteri stated we are doing this now because it wasn't a dire need until now. John asked who determines if the septic is installed right? Codes Enforcer Collis stated the dye testing only tells us if it is working right, it is up to the resident to have a third party person to certify it. For example a plumber could come in and certify it. Supervisor Frank discussed with the board what they should do with the hook up fee change. They decided they will keep the rate at \$500 until the end of November 2016. He also stated those who have already paid the \$800 will be reimbursed and the town will have to pay the difference to the village. He apologized for not communicating better.

Motion by Councilman Kast, seconded by Councilman Carbone, to extend the sewer hookup fee as \$500 until the end of November 2016. October 1st the rate will go whatever the rate is the village is charging at that time.

CARRIED AYES ALL

Earl Philips stated he also wanted to discuss on how the snow plows always plow the snow towards the side of the road that all the houses are on. He stated the plow trucks took off his mailbox 4 times last year. He asked why the plow can't go up the other way away from the houses. Highway Supt. McManus stated he will check into but he believes it's because of the way the wing is on the plow truck making it unable for the driver to see traffic coming if he does it the opposite way. He stated it's more of a safety thing for the driver.

Jeremy Silverman of Gem Grants stated he would like to start by congratulating us on the Home Program award we received. He stated he will use the eleven pre picked people from before to review for who will receive this. He stated we will have to have a notice of intent published in the paper by May 19th. Supervisor Frank stated NYS is coming down on April 15th to review our records of the when we received this previously. He also stated he would like all the records for this award to be kept at the town office, because it is hard to track everyone down who was involved to see who has what. Jeremy stated we will still need to hire a contractor to inspect for us. Jeremy also stated we will need to get a letter out to the residents that we will be awarding. Councilwoman Penree asked how long we have to get the improvements down by. Jeremy responded, two years. **Jeremy** also stated we need to nail down a location so we can move forward with the Farmer's Market. He stated they are developing the plan and need the location to be big enough to house 60-80 venders and also have enough room for parking. Supervisor Frank stated he has been in contact with Highmodigist Meadows and they are waiting for the DEC to clear the site and also an appraisal to be done. He has also proposed to have them donate it to the Town. He stated another location that was recommended was by Lowe's. As of right now they are waiting for answers on different properties before they can make a decision.

Councilman Kast asked Jeremy if there is a grant they could get for new water meters in East Herkimer. Jeremy replied stating we would have to put a survey out proving that there are at least 51% low to middle income individuals that live in that area. He stated he will look into it more for us and that he has been successful in the past with helping other municipalities get a grant for this.

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

CARRIED AYES ALL

06) Petitions and Communications.

A.) Motion by Councilman Kast, seconded by Councilman Carbone, to accept and place on file a letter dated March 1, 2016, from Herkimer County Highway Superintendent, Jay Ewanyk, concerning the rehabilitation of Shells Bush Road.

CARRIED AYES ALL

B.) Motion by Councilman Kast, seconded by Councilman Carbone, to accept and place on file a letter dated March 1, 2016, from Acord Corporation, concerning a certificate of liability insurance for Shafer & Sons Storage Sheds.

CARRIED AYES ALL

C.) Motion by Councilwoman Penree, seconded by Councilman Carbone, to accept and place on file letter dated March 3, 2016, from NYS Dept. of Taxation and Finance concerning a Correspondence Acknowledgment Notice.

CARRIED AYES ALL

D.) Motioned by Councilman Carbone, seconded by Councilwoman Penree, to accept and place on file a letter dated March 8, 2016, from the NYS Dept of Taxation and Finance Office of Real Property Tax Services Program Manager, W. Alan Kresge, concerning a notice of the hearing date and tentative telecommunications ceiling.

CARRIED AYES ALL

E.) Motioned by Councilman Kast, seconded by Councilwoman Penree, to accept and place on file a letter dated March 8, 2016, from the US Dept. of the Interior, concerning a notice of a study to determine the potential designation of the NYS Barge Canal as a National Landmark.

CARRIED AYES ALL

F.) Motion by Councilman Kast, seconded by Councilwoman Penree, to accept and place on file a letter dated March 10, 2016, from NYS Homes and Community Renewal Commissioner, James Rubin, concerning the NYS HOME Local Program Award we will be receiving.

CARRIED AYES ALL

G.) Motion by Councilman Kast, seconded by Councilwoman Penree, to accept and place on file letter dated March 10, 2016, from the US Dept. of the Interior, concerning the National Historic Landmarks Committee of the National Park System Advisory Board completing a study of the NYS Barge Canal and will consider this nomination during their next meeting.

CARRIED AYES ALL

H.) Motion by Councilman Carbone, seconded by Councilman Kast, to accept and place on file a letter dated March 11, 2016, from the secretary of the Herkimer Girls Softball League, Michele Gilbert, requesting permission to use the softball field for practices and games. Supervisor Frank stated he has drafted up a letter of approval and will send it out. He also stated it is always the same groups requesting and they all have scheduled times for use of the park.

CARRIED AYES ALL

I.) Motion by Councilman Kast, seconded by Councilman Carbone, to accept and place on file a letter dated March 11, 2016, from the NYS and Local Retirement System concerning the retirement date effective April 30, 2016 for Larry Lynch. Supervisor Frank asked Highway Supt. McManus if he has started looking for a replacement. McManus replied stating yes he is.

CARRIED AYES ALL

J.) Motion by Councilwoman Penree, seconded by Councilman Carbone, to accept and place on file letter dated March 11, 2016, from The Leahy Company Account Manager, Christopher Byrnes, concerning possible workers' compensation premium refunds. Supervisor Frank stated this company looks into possible savings for us and then they would get a percentage of it.

CARRIED AYES ALL

K.) Motion by Councilwoman Penree, seconded by Councilman Carbone, to accept and place on file a letter dated March 14, 2016, from NYS Home Local Program Director, Ann Petersen, congratulating us on our award.

CARRIED AYES ALL

L.) Motion by Councilwoman Penree, seconded by Councilman Kast, to accept and place on file letter dated March 16, 2016, from Congressman, Richard Hanna, concerning an upcoming event for residents to voice their concerns.

CARRIED AYES ALL

M.) Motion by Councilman Kast, seconded by Councilman Carbone, to accept and place on file a letter dated March 16, 2016, from Time Warner Cable concerning agreements with programmers that are due to expire soon.

CARRIED AYES ALL

N.) Motion by Councilman Kast, seconded by Councilman Carbone, to accept and place on file a letter dated March 17, 2016, from Laura Wigley concerning a Trident claim that has been closed.

CARRIED AYES ALL

O.) Motion by Councilman Kast, seconded by Councilman Carbone, to accept and place on file a letter dated March 18, 2016, from NYS Homes and Community Renewal Developer, Scott LaMountain, concerning a monitoring visit for the block grant we received.

Supervisor Frank stated he has referenced this earlier in discussion with Jeremy Silverman.

CARRIED AYES ALL

07) **Routing.**

08) **Resolutions & Local Laws.**

09) **Old Business.**

Water Districts- Highway Supt. McManus stated a guy stopped by and dropped off the proposal and maps for the Lowe's project. They are planning to have the water pipe run along the side of the sewer pipe. They are having the same person install the water pipe as they did for the sewer pipe.

Councilwoman Penree asked is we have made any progress regarding the water bills report Clerk DeMetro brought to our attention last meeting. Supervisor Frank stated he has spoken with the mayor to let him know we are looking into the situation. Highway. Supt. McManus stated he is going to start checking the meters on his own.

Codes Issues- Codes Enforcer Collis stated he has nothing new to report.

10) **New Business.**

Highway Supt. stated he has chosen the trash days for this spring and they will be June 2nd, 3rd, and 4th. Clerk DeMetro has already sent it to be published in the paper for March 26th and again on May 21st.

11) **Reports.**

Motion by Councilwoman Penree, seconded by Councilman Carbone, to accept and place on file the Trial Balance report dated 03/21/2016, from Bookkeeper, Amanda Viscomi.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast, to accept and place on file the Revenue and Expense report dated 03/21/2016, from Bookkeeper, Amanda Viscomi.

CARRIED AYES ALL

Highway Supt. McManus stated he is having good progress with the online auction. They are listed under Auctions International. He stated it will be up for about another week or so more.

He also stated he has been in the process of getting quotes for the garage doors. There are three that are rotted at the bottom. Councilman Kast recommended checking on cost of replacing the bottom panels, instead of the whole door. McManus will look into it.

Supervisor Frank stated he has distributed the lighting quotes for the highway department. He stated this is a state contract that has already gone out for bid. He explained the costs on the handout are to purchase the equipment only and that McManus and his crew would have to install them. He also stated McManus will have to get quotes for an electrician to come in. Supervisor Frank stated we will use some of the money we had set aside for improvements but we will not have enough to do everything else we intended. Councilman Stalteri stated safety is our priority, the painting can wait. We should look into getting quotes on having the sidewalks out front done as well as the paving of our parking lot. Councilman Kast stated he will work on getting quotes for the sidewalks and will see if there is maybe a better deal by having the same company do both.

Clerk DeMetro recommended hiring Marissa Farber as her part time deputy clerk starting April 1st. Motion by Councilman Kast, seconded by Councilman Carbone to appoint Marissa Farber as deputy town clerk and deputy registrar of vital statistics affective April 1st, 2016.

CARRIED AYES ALL

Supervisor Frank stated he has spoken with the judges and plans on meeting with them next week to review with the state auditors their findings.

Supervisor Frank stated lastly he would like to discuss the Water Rates and Regulations. He stated John Richard and Nancy Reese had worked on them before. He handed out a new updated version that he typed up and color coated what was done when. Some of it has the original rules in it, some is what Nancy and John put and some that he has added as well. He stated the only thing not on there is the putting delinquent water bills on the tax rolls. He stated he is working with Clerk DeMetro to try to find if or when it passed. He asked the board to look over the hand outs and let him know if they think anything should be added or changed.

12) Audit.

Motion by Councilman Kast, seconded by Councilwoman Penree, to accept and place on file the audit dated 03/21/2016.

CARRIED AYES ALL

13) Adjourn.

Motion by Councilman Kast, seconded by Councilwoman Penree, that the Regular Meeting of the Herkimer Town Board be adjourned, until the next Meeting that is scheduled for Monday, April 4, 2016 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk