

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, February 3rd, 2020, at 6:00PM, in the Herkimer Town Hall located at 114 N. Prospect St., Herkimer, NY 13350.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
 Councilman-----Daniel Stalteri
 Councilman-----Vito Carbone
 Councilman-----Randy Kast
 Councilwoman-----Kathy Penree
 Attorney-----Christopher Bray
 Deputy Attorney-----Kyle Crandall
 Codes Enforcer-----Ken Collis

Excused: Highway Supt.-----David McManus

03) Pledge of Allegiance to the Flag.

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

04) Reading of the Minutes.

Motion by Councilwoman Penree, seconded by Councilman Carbone, to accept and place on file the minutes of the previous meetings held on January 21st of 2020 as written.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated we will now open our public meeting and if anyone would like to address the board to please state you name, address, and tell us why you are here.

Kelly Brown stated he is here on behalf of MOVAC to introduce the new Operations Manager, Don Kane. He stated that Don will be a great asset to the team.

Chris Lawton, engineer for Barton and Loguidice, stated he is here to go over the status of the SEQR. He stated this is the last stage for the SEQR to determine if there is any environmental impact then we can pass the resolution. He reviewed and explained the Full Environmental Assessment Form Part 2 and stated any small or moderate issues have an explanation in the Part 3 Supporting Information packet. Supervisor Frank stated in section 10 he believes there is an historical home in this district. Councilman Stalteri stated it shouldn't affect it because the main won't be disturbing that property. Chris Lawton agreed but stated we would like to know exactly where it is so we will have record of it but it didn't show up on the Historical Homes database. Supervisor Frank also stated in section 11 that a congregation has a pavilion and playground equipment on one of the parcels. Chris Lawton stated the pipe line won't affect these so it would still be checked as no for impact. We have received a grant that will cover sixty percent and the rest we will be able to get a zero-interest loan for. Chris also stated that we can apply for additional funding as well.

After reviewing all of the SEQR, Chris Lawton read Resolution No. 10 of 2020. A roll call was taken by Clerk DeMetro to pass the resolution.

CARRIED ALL AYES

Supervisor Frank stated the official name for the water district is the West Herkimer Water District. There was some confusion with this possibly being an extension but it is not.

Motion by Councilman Stalteri, seconded by Councilwoman Penree that the official name of the water district is the West Herkimer Water District.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to pass Resolution No. 11 of 2020 to hold a Public Hearing for the West Herkimer Water District on March 2, 2020 at 6:00 PM at the Herkimer High School Cafeteria.

CARRIED AYES ALL

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

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Councilwoman Penree, seconded by Councilman Stateri, to accept and place on file all the petitions and communications 6A through N listed below.

- A.) A letter dated January 15, 2020 from the NYSDOT Regional Planning and Program Manager, Deborah Winderker, concerning the SEQR Lead Agency Coordination for the West Herkimer Water District Project.
- B.) A letter dated January 20, 2020 from Constructure Technologies concerning the Statutory Gross Receipts for December, 2019.
- C.) The Town of Schuyler's Zoning Board of Appeals Meeting Minutes dated January 21, 2020 concerning the public hearing for the Watkins Road Solar Farm.
- D.) An email dated January 22, 2020 from NYMIR concerning fire safety precautions and reminder of use battery disconnects for Highway Garages.
- E.) An email dated January 22, 2020 from the Office of the New York State Comptroller Manager of the Data Management Unit, Mary Berghela, concerning our request granted for an extension of time for the filing of the annual fiscal report.
- F.) Resolution No.5 of 2020 of the Mohawk Valley Water Authority dated January 27, 2020 concerning the Approval of the MVWA Participation in the Water Extension.
- G.) A letter dated January 27, 2020 from Assemblyman Smullen concerning a follow-up of our letter to him regarding support for the East Herkimer Sewer District.
Supervisor Frank stated items G and I are responses from our state representatives that I had corresponded with asking for support for the East Herkimer Sewer District.
- H.) A request form for the use of the Herkimer High School cafeteria to hold a public hearing regarding the creation of the West Herkimer Water District dated January 28, 2020.
- I.) A letter dated January 28, 2020 from Senator James Seward concerning a follow-up of our letter to him regarding support for the East Herkimer Sewer District.
- J.) A letter dated January 30, 2020 from the NYS Parks, Recreation and Historic Preservation concerning archaeology comments for the proposed East Herkimer Sewer District Project.
Supervisor Frank stated through the SEQR process for the East Herkimer Sewer District there were some archaeological issues that will require is to work with SHPO on.
- K.) A letter dated January 30, 2020 from the NYSDEC Program Aid for Utica, Brittany Stoots, concerning the 239 Review Project of the Water District.
Supervisor Frank stated this is a response to the SEQR for the West Herkimer Water District
- L.) Letters dated January 30, 2020 from the NYSDOH District Director, Donald Van Patten, concerning a Notice of Violation for the LOWE'S Water District and the East Herkimer Water District.
Supervisor Frank stated both the Lowe's Water District and the East Herkimer Water District had the testing done but it was not submitted within the ten-day timeframe.
- M.) A letter received January 31, 2020 from Robert Schrader concerning the Herkimer County Humane Society Agreement.
Robert Schrader stated this is an updated annual agreement. Supervisor Frank stated we will have Attorney Bray review this before we sign it.
- N.) A letter dated January, 2020 from the U.S. Census Bureau concerning the Initial Boundary Validation Program Survey.

CARRIED AYES ALL

07) Routing.

Motion by Councilwoman Penree, seconded by Councilman Salteri to accept and place on file both of the routed material of the Herkimer County Soil and Water Conservation District 2019 Annual Report and NYMIR Cyber Recommendations for the Town of Herkimer.

CARRIED AYES ALL

08) Resolutions.

Was previously passed during the public meeting.

09) Old Business.**Appointments for 2020:**

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of Town Clerk Jennifer DeMetro that Erin Fitch be appointed as the Town of Herkimer Deputy Town Clerk for a one-year term, 01/01/20 to 12/31/20.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone, upon the recommendation of Registrar of Vital Statistics Jennifer DeMetro that Erin Fitch be appointed as the Town of Herkimer Deputy Registrar of Vital Statistics for a one-year term, 01/01/20 to 12/31/20.

CARRIED AYES ALL

Town Sole Assessor for a six-year term, 01/01/20 to 09/30/25.
The board agreed to table this at this time as we are waiting on a signed contract.

TABLE

Water District: Supervisor Frank stated we have been verballing notified that our water tested high for several minerals. The Village of Herkimer has to correspond to each customer explaining what happened and how it will be fixed.

Mckennan Road Enhancement Project: Supervisor Frank stated the survey is just about done.

West Herkimer Water: was previously discussed.

East Herkimer Sewer District:

Steuben Hill Road: Supervisor Frank stated Ron DeJong has asked that we have a public information meeting with the residents.

Solar Project on Sokol Road:

Codes: Codes Enforcer Collis stated there is an issue with someone who purchased a school bus and has it sitting on their property unlicensed and unregistered. The owner already has a truck that is not licensed or registered on the property. The owner plans to use it for storage when they move. Collis will let the owner know if it is not registered and licensed within ten days then they will be ticketed.

Supervisor Frank stated relative to codes, we received a FOIL request as to the placement of the cell tower. Codes Enforcer Collis and Clerk DeMetro will gather the information and respond.

NYMIR Risk Control Resurvey Report:

Strategic Plan:

Website:

Dog Control Local Law: Attorney Bray stated he is gathering information for this.

Subdivision Local Law:

10) New Business.

Battery Storage Systems Associated with Solar Panels- Attorney Bray stated that in discussion with Schuyler we have found that they will not be using battery storage for the current proposed project.

Court Audit- Councilman Stalteri stated they have scheduled an audit for the court on March 3rd at 3:00PM with Judge Manne.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Cash Report for December, 2019.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Reconciliation Report for December, 2019.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Water and Sewer Meeting Minutes dated January 21, 2020.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the signed contract for the Interim Town Justice.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the DCO Report for January, 2020 from DCO Erica Denton.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Town Clerks Report for January, 2020 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated February 3, 2020.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense report dated February 3, 2020.

CARRIED AYES ALL

11) Purchase orders and Audit.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve the Audit dated February 3, 2020 for 2020.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Carbone, seconded by Councilwoman Penree, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Tuesday, February 18th, 2020 at 6:00PM.

Supervisor Frank stated he will be at the Association of Towns annual training and conference from the 16th to the 19th of February so Deputy Supervisor Daniel Stalteri will run the next meeting.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk