

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, May 18, 2020, at 6:00PM, virtually and telephonically.

02) Roll Call of Officers

Present:

Supervisor-----	Dominic Frank
Councilman-----	Daniel Stalteri
Councilwoman-----	Kathy Penree
Councilman-----	Randy Kast
Councilman-----	Vito Carbone
Highway Supt.-----	David McManus
Codes Enforcer-----	Ken Collis
Attorney-----	Christopher Bray
Excused:	Deputy Attorney-----Kyle Crandall

03) Pledge of Allegiance to the Flag.

Supervisor Frank led us in the Pledge of Allegiance to the Flag.

04) Reading of the Minutes.

Motion by Councilman Carbone seconded by Councilwoman Penree, to accept and place on file the minutes of the previous meetings held on April 20th, 2020 as written.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated anyone from the public who would like to speak during our public meeting, please state your name, address and tell us why you are hear.

Legislature Robert Schrader joined the call stating that the County is concerned about what to do with the Summer Youth Program. Many towns and villages have already opted out but this is a way to get municipalities free labor. Councilman Kast stated that we need to put the safety of our employees and also the kids first. Schrader asked how much it costs the town to fund the Summer Youth Program? Councilman Stalteri stated that is costs us about ten thousand for supervisor to run the program. Schrader stated he understands the concern because sales tax is down fifty percent. Supervisor Frank stated we will discuss what we are going to do and get back to you.

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

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file all the petitions and communications 6A-J listed below.

- A.) A certificate of liability insurance dated March 30, 2020 for Crown Castle International effective 4/1/20 through 4/1/21.
 - B.) A letter dated April 10, 2020 and May 10, 2020 from Constructure Technologies concerning the Statutory Gross Receipts for March, 2020 and April, 2020.
 - C.) A letter dated April 15, 2020 from Herkimer County Treasurer, Kimberlee Enea, concerning the Sales Tax Apportionment Summary for the 2020 first quarter based on the 2019 tax roll.
 - D.) A certificate of liability insurance dated April 20, 2020 for Clayton Homes, Inc effective 7/1/19 through 7/1/20.
 - E.) A letter dated April 22, 2020 from Comp Alliance concerning the Member Loyalty Award.
 - F.) A letter dated April 27, 2020 from Supervisor Frank to the East Herkimer Water District Customers concerning the meter reading and billing cycle.
- Supervisor Frank stated we did get the letter out to our water customers in East Herkimer and we are going to have our next water meeting tomorrow. He also stated the bills got out relatively close to when we normally do, with only a day or two later due to our recent breach.

- G.) An email dated April 29, 2020 from the New York Department of State Division of Local Government Services concerning the updated NYS Building and Energy Codes.
 Supervisor Frank stated NYS is coming out with new building codes. Codes Enforcer Collis is aware that they became effective May 12, 2020. Collis stated a lot of things were added.
- H.) A letter dated May 1st and 15th 20 2020 from Charter Communication concerning upcoming changes in service.
- I.) An email dated May 13, 2020 from Judge Gideon of the 5th Judicial District concerning a limited resumption of court operations.
- J.) Emails dated May 14th and 15th of 2020 from Justice Manne and Justice Neri concerning the opening of the court.
 Supervisor Frank stated items I and J are related to the State of New York allowing some activity in the courts. Our court clerk is here on some frequency and with this abrupt opening it puts some strain on us to get the building ready for the public. Our court clerk has moved into her new office. Attorney Bray stated with opening the courts they have given us some protocols to follow. Supervisor Frank stated Clerk DeMetro has been preparing and has ordered supplies such as gloves, masks and hand sanitizer. He also stated we will be getting some masks from NYMIR and we received two gallons of hand sanitizer from the County. The thought is to refill the small bottles that we have for now. Cleaning supplies will be an issue and that we should try to stay stocked up as much as we can. Councilman Stalteri stated we will need to place distance dots on the floors as well. Supervisor Frank stated he will have a conference call with Highway Superintendent McManus and Clerk DeMetro to make a list of things we need to order.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Clerk DeMetro stated she would like to remind everyone that the retirement reporting sheets need to be turned in so she can have the resolution ready for our next meeting.

09) Old Business.

Water District: Highway Supt. McManus stated that he ordered the water listener.

McKennan Road Enhancement Project: Supervisor Frank stated we are close to purchasing both properties for the placement of the tank and access road. Attorney Bray stated we are very close and should close before our next meeting.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to authorize Supervisor Frank to close and sign all documents needed to do so.

CARRIED AYES ALL

Supervisor Frank stated there are other issues with this project and Highway Supt. McManus was helpful with where the pump will be located and with working with the County

West Herkimer Water: Clerk DeMetro and Attorney Bray sent everything out. Attorney Bray stated he followed up with the attorney and they have everything they need thus far.

East Herkimer Sewer District: Supervisor Frank stated he spoke to the Mayor relative to the contract and was told he has given this responsibility to Max. Supervisor Frank left a voicemail for Max and is waiting for a response. Attorney Bray stated we should request that it be put on their agenda for the next meeting.

Steuben Hill Road:

Solar Project on Sokol Road:

Codes: Codes Enforcer Collis stated that Councilman Carbone, himself and a couple of Sheriff deputies did an inspection of all the rooms and there are a lot of deficiencies and code violations. He stated there are rodents, cockroaches and that the place is infested with bedbugs. The State Police are there constantly. He stated we need a fee for the nuisance law. Councilman Stalteri stated this is why we have the nuisance law and that even with a public crisis this is a matter of a health crisis and it needs to be shut down. Collis stated that he has spoken with public health about relocating these people and was told they would for a day or to for them to exterminate the building. This is not only a health violation but there is a fire safety concern because of electrical issues. Attorney Bray stated Codes is an essential service and that these are safety issues regardless of Covid-19 or not. He stated we could ask for permission to open court for cases like this. Supervisor Frank asked if we have used our Hotel/Motel Law yet? Attorney Bray stated the judge for any penalties under the Public Nuisance Law would set the fines. He thinks

we could possibly get a court date in mid June. Councilman Carbone stated there is no insurance on the building as well. He also stated the owner will be up June 1st to meet with Codes Enforcer Collis and himself and that we should serve him then. Supervisor Frank asked what we would be serving him? Attorney Bray stated we could serve him with tickets for codes violations and the public nuisance law. Carbone also stated we could get the fire department involved for the fire hazards. Collis drafted a letter that he would like to give the only explaining all the violations. Supervisor Frank asked that he add more detailed information to it with citing the laws. Collis also explained there has been troopers at the house on the corner by the fire station. This is another area of concern for the neighborhood. Councilman Stalteri stated we should be using the nuisance law for this too. Collis stated that the troopers to him that they cannot enforce any of our local laws and that the sheriffs department has to do so. Highway Supt. McManus said he was told the same thing with the no turn signs. Attorney Bray stated he would look into this for us. Councilwoman Penree stated we have a bigger problem if we have no law enforcement. Bray stated we will talk to the head of the troopers. Councilman Carbone stated we could have an agreement with the village. Bray stated that we could have an intermediate contract with the Village Police Force.

NYMIR Risk Control Resurvey Report:

Landbank: Supervisor Frank stated we are on a schedule to have a conference call once a month for the Zombie Grant. The first installment payment for the grant has been received but nothing has been spent yet. The Landbank is working on having the quarterback position filled. He also stated that the Landbank board has approved to pay the water bills owed. Councilman Stalteri asked if one of the trailers has been condemned. Collis replied stating yes, they were suppose to take one of the trailers down. Stalteri stated so there are two that are condemned them and that they should be torn down or taken out. He asked if we have a deadline for this to be done by? He also stated that if this is not taken care of by certain time then we would start fining them. Collis did not give them a deadline. Stalteri will call the Landbank tomorrow and let them know that they will have until June 30th to get this cleaned up. Collis will mail the letters out.

Website: Supervisor Frank stated the website is up and running. He stated he will set up a time so Clerk DeMetro and himself can learn how to use it. Councilman Stalteri stated you did a great job. Dog Control Local Law: Attorney Bray stated he has a version drafted that he has sent to Councilman Stalteri. He would like the board, planning board, and our DCO to review it.

Councilman Stalteri stated we should have Joshua Leone review it as well because he is very knowledgeable and knows the Ag. and Markets Law.

Subdivision Local Law: Attorney Bray stated he is still working on this.

Herkimer County Humane Society Agreement: Attorney Bray stated the contract we have is still in affect and that they have been cooperative with giving us everything that we have asked for. Clerk DeMetro asked him Attorney Bray has reviewed the bill we received from them. He said he has done so and was told the fees are for the dogs being spayed or neutered.

10) New Business.

Trash Days: The board discussed only having one weekend of trash days this year instead of two to save in the costs we are loosing from sales tax. Councilman Stalteri stated we should change the date more in line with Phase 4 of reopening. The board will further discuss this but have agreed to cancel the trash days set for June 4, 5, and 6th.

Town Board Meeting: Supervisor Frank stated he is proposing that we meet once a month again next month. He also stated he has the authority to pay bills if needed to before a meeting. The board agreed and will meet again on June 15, 2020 at 6:00PM.

Motion by Councilman Stalteri, seconded by Councilman Kast to temporary amend the board schedule and will hold our next meeting on June 15, 2020 at 6:00PM.

CARRIED AYES ALL

Councilman Kast stated he was told that the Memorial Day Parade has been canceled.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the 2020 Final State and/or Class Equalization Rate.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the FEMA Flood Plan dated May 12, 2020. Supervisor Frank stated this is the preliminary flood plain map and that they are offering webinars.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the signed letter of engagement with Wladis Law Firm for the DynaSolar Project on Shells Bush Road. Supervisor Frank stated the developers have been talking with our consultant regarding the attorney and engineer fees.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Water and Sewer Meeting Minutes dated April 16, 2020.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the SunEast Solar Project 239 Review Application.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Sales Tax Report dated April 23, 2020.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Cash Report for April, 2020.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for March, 2020.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Dog Control Report for April, 2020 from DCO Erica Dunton.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on the Town Justices' Report for March, 2020 from Karl Manne.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on the Trial Balance Report dated May 14, 2020.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated May 14, 2020.

CARRIED AYES ALL

11) Purchase orders and Audit.

There were no purchase orders at this time.

Motion by Councilwoman Penree, seconded by Councilman Kast to accept and place on file the Audit dated May 15, 2020.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman Penree to go into executive session to discuss union contracts.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman Penree to close executive session with decisions made to be typed up and attached by Supervisor Frank.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Kast seconded by Councilwoman Penree, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, June 15th, 2020 at 6:00PM for the Board to attend and participate electronically, including, but no limited to telephonically.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk