

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, June 1, 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  
 Codes Enforcer-----Ken Collis  
 Attorney-----Christopher Bray

Excused: Highway Supt.-----David McManus  
 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.**  
 Supervisor Frank stated we will approve the previous meeting minutes at our next regular meeting set for June 15, 2020.

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.  
 No one from the public wished to speak.

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

CARRIED AYES ALL

09) **Old Business.**  
 10) **New Business.**

Hotel License Application Approval: Supervisor Frank stated the Hotel owner will be in town tomorrow. Councilman Carbone and Codes Enforcer Collis will be meeting with the owner while he is up tomorrow. The board reviewed and discussed the proposed application or our Hotel/Motel Local Law.

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept, place on file and approve the Hotel/Motel License Application.

CARRIED AYES ALL

Review of fees: Supervisor Frank stated his suggestions for the fees for the Hotel/Motel Application mimic the Town of Colonie. His suggestions are: \$500 per one 12 month period for establishments with ten or fewer rooms, \$1,500 per one 12 month period for establishments with eleven to fifty rooms or a fee of \$3,000 for establishments of fifty-one or more rooms. The board discussed lowering to the fee for establishments with ten or fewer rooms because that would be a big cost on a Bed & Breakfast here. The board agreed to change the fee to \$150 for establishments with ten rooms or less.  
 Councilman Stalteri stated we should also raise the cell tower fee as well. The board agreed to raise it to \$750.

Motion by Councilman Stalteri, seconded by Councilman Kast to adjust the annual fee schedule to amend the Hotel/Motel fee and the Cell Tower fee.

CARRIED AYES ALL

Enforcement of Local Laws by the State Police: Councilman Stalteri stated he spoke with the Troopers because a tractor-trailer went down Clayton Ave. and tore down a power line. He asked the trooper about enforcing our laws and his response was that they do not enforce local laws. Stalteri stated this is very disappointing if we have local laws but no one to enforce them. The Sheriffs Department says they do not patrol but they do have vehicles so we should follow up with the DA about this as well. Supervisor Frank stated he would speak to the Sheriff and the DA, as well as our senator and assemblyman to ask for direction on this matter. We need to find a way to enforce our laws. Attorney Bray stated it is the officers' discretion. He also stated that the spoke to a contact from the AOT and they have heard from other towns who make a contract with them to enforce the laws. Councilwoman Penree asked if we could give them a percentage of the revenue? Councilman Stalteri stated they already do get a portion of the revenue and that this should be part of their job to enforce local laws. He asked if we could have a peace officer? Attorney Bray stated that we could do that and we could also contract with the Village for patrol in the Town.

Decommissioning Plan for Sun East and Town of Schuyler: Supervisor Frank stated he believes the decommissioning plan is for 60% to the Town of Schuyler and 40% to the Town of Herkimer. He will reach out to the consultant to clarify how much of the project is located within our town.

Supervisor Frank stated another topic that has come up with this project is Sokol Road. The supervisor of Schuyler has expressed concern in being sued because this project crosses what use to be Sokol Road. They have offered Frank Spatto a private access road so he could still access his property but he declined this offer. Supervisor Frank stated this road has been abandoned by the Town of Herkimer but not discontinued. Councilman Stalteri stated if it is still technically a town road than they shouldn't be building on it. Attorney Bray stated this dispute does not concern a town property owner. Supervisor Frank will work to get the plan of an alternate access road.

DYNO Solar and Escrow Amount: Supervisor Frank stated they have asked for the amount to be held in escrow to be ten thousand dollars instead of fourteen thousand. Attorney Bray stated he does not see an issue with this because they will replenish it when the money is gone.

Draft Town Office Reopening Plan: The board reviewed the proposed reopening plan from Supervisor Frank. He stated he mimicked the Town Courts reopening plan with some edits. Supervisor Frank stated the Court Clerk will be working fifteen hours a week for the rest of the year. The board discussed the social distancing stickers for to be placed on the floors as well as protective equipment to make those in the office safer. Clerk DeMetro suggested alternating schedules for those who work in the office to minimize traffic in the office. The board agreed.

#### 1.1) Reports.

Supervisor Frank stated we received a contract from the school for collecting taxes and we have a contract with Ken Ward for the Chlorination of the water. Supervisor Frank will review the application from the school.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to allow Supervisor Frank to sign the contract with the school for the collection of taxes after he reviews it.

CARRIED AYES ALL

Supervisor Frank stated he received an email from Jeff Tresiak concerning the placement of where the sewer line is going to get to the Lowe's pump. The board discussed the options.

#### 1.2) Adjourn.

Motion by Councilman Kast, 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, June 15<sup>th</sup>, 2020 at 6:00PM for the Board to attend and participate electronically, including, but not limited to telephonically.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk