

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, August 17, 2020, at 6:00PM at the East Herkimer Fire Department located at 193 Main Road, Herkimer, New York.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
 Councilwoman-----Kathy Penree
 Councilman-----Vito Carbone
 Councilman-----Daniel Stalteri
 Attorney-----Christopher Bray
 Highway Supt.-----David McManus
 Planning Board Chairman---Mark Gaworecki

Excused:

Councilman-----Randy Kast
 Codes Enforcer-----Ken Collis
 Deputy Attorney-----Kyle Crandall

03) Pledge of Allegiance to the Flag.

Councilwoman Penree led us in the Pledge of Allegiance to the Flag.

04) Reading of the Minutes.

Motion by Councilman Stalteri seconded by Councilman Carbone, to accept and place on file the minutes of the previous meetings held on August 3, 2020 as written.

CARRIED AYES ALL

05) Public Hearing.

Supervisor Frank read the public hearing legal notice that was placed in the paper on the SunEast Solar Project. He thanked everyone for following the social distancing requirements and pointed out the two available exits in case of an emergency. He stated if anyone wishes to comment to please state your name and address first.

Frank Spatto of Mohawk stated he is concerning about the right of way to his property from Oakhill/Sokol Road. He stated the 2010 minutes show no action was taken to abandon the road to it is technically still a town road.

Tom Todd of 108 Sokol Road stated the road to the Spatto property does not have a right of way.

Tom Stall of 188 Sokol Road stated my intentions to have the road abandoned and wanted a definite answer at the time and no action was taken.

Paul Sokol of New Jersey stated in the 1970's this was a cow path that was not maintained and was essentially abandoned, as it was not even plowed in the winter.

Frank Spatto stated without a road there then 400 acres would be landlocked. On the agenda you will see a letter from our attorney that will bring a lot more information to light. Mr. Spatto also stated he didn't know about the Solar Project until February. I was never notified and didn't know the size or how close it was to his property as it was advertized at the Watkins Road Solar Project. I was unaware it would affect my property.

Attorney Allison Phillips for SunEast stated the law dictates that if a highway is not used for six years then it is considered abandoned.

Frank Spatto stated can't you leave the road and still do the solar farm.

Kevin Murphy of the Wladis Law firm stated he was retained by the Town of Schuyler and now by the Town of Herkimer. The Town of Schuyler is acting as the lead agency for this project. Both Towns submitted SEQR's to the County and no comments were suggested back. The

decommissioning agreements were reviewed by the Town Planning Boards and concluded with no objections and all recommendations of approving the move forward. He stated the County only shows a road existing to where it is mowed in the Town of Herkimer, not all the way to Schuyler. Therefore no portion of this project would affect the existing road.

Frank Spatto stated the SEQR with negative declaration was made with wrong tax map numbers and wrong zoning so this finding was on the wrong information. He also stated the Town of Schuyler Zoning maps shows Oakhill Road as being there. The maps are dated 2010.

Supervisor Frank thanked everyone for the information given and stated no decisions will be made tonight. With no one else wishing to speak pertaining to the SunEast Solar Project he would entertain a motion to close the Public Hearing.

Motion by Councilwoman Penree, seconded by Councilman Carbone to close the Public Hearing.

CARRIED AYES ALL

06) 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 of 115 Dickie Ave. stated he is here concerning the junkyard located off of Route 28 near the Petrie development. He is frustrated that Codes Enforcer Collis has done nothing about this ongoing issue. Schrader has been in touch with the DEC who will follow up on the matter. He also found out that the same gentleman owns property up the road. He should not be allowed to do what he's doing. Councilman Stalteri asked if the DEC will be sending a report. Schrader replied stating yes.

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

CARRIED AYES ALL

07) Petitions and Communications.

Motion by Councilman Carbone, seconded by Councilman Stalteri, to accept and place on file all the petitions and communications 7A-E listed below.

- A.) A letter dated July 29, 2020 from NYS Parks, Recreation and Historic Preservation Deputy Commissioner for Historic Preservation. R. Daniel Mackay, concerning the property located at 4083 State Highway 28 in Herkimer will be considered by the NYS Board of Historic Preservation at its next meeting on September 10, 2020.
- B.) A letter dated August 4, 2020 from NYS Homeland Security and Emergency Service Director for Disaster Recovery Finance, Susan Picarillo, concerning the processing of a payment for the Sever Storms, Straight-line winds and Flooding declared on December 19, 2019.
- C.) A letter dated August 4, 2020 from Charter Communications concerning upcoming changes n service.
- D.) A letter dated August 7, 2020 from the Oneida-Herkimer Solid Waste Authority concerning the Regional Demolition Program.
- E.) A letter dated August 12, 2020 from Attorney Laura E. Ayers concerning the SunEast Watkins Road Solar Project.
Supervisor Frank stated item E is from the attorney Frank Spatto mentioned.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the letter from the Village concerning the cleaning of the waterline.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Supervisor Frank stated we have two transfers for tonight.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file and approve both transfers.

CARRIED AYES ALL

Supervisor Frank stated we have a budget amendment the various projects we have going on that consultants need to be funded for.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept, place on file and approve Resolution for the Budget Amendment.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve resolution No. 20 of 2020.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Supt. McManus stated everything is going good and that we have a water meeting tomorrow.

Mckennan Road Enhancement Project: Supervisor Frank stated we have been working with the County Highway Dept. concerning the right of way for the placement of the pump. He also stated we now own both properties for the tower and access road. Next we will get the RFP for the clearing of the land and then we will need to do the soil boring.

West Herkimer Water: Supervisor Frank stated he hasn't heard any news but that we are waiting to see if there will be more funding available.

East Herkimer Sewer District: Supervisor Frank stated the surveyor has begun working. Clerk DeMetro stated some residents who were not originally canvassed and will now be on the new route of the sewer line has expressed interest in hooking up. Supervisor Frank stated we will canvass the residents we missed that the line would now run by.

Steuben Hill Road:

Solar Project on Sokol Road:

Codes: Attorney Bray stated we have received the application and fee for the Glenridge Motel. There are some missing information on one of the items. The next step would be for Codes Enforcer Collis to file an inspection within thirty days of the application filing. He stated we got permission from the owner of the property on Pine Grove Road with septic issues to treat the issues. The problem is there is a tenant that needs to be evicted and this does not fall under the Covid exemptions so we are able to proceed the with eviction.

NYMIR Risk Control Resurvey Report: Supervisor Frank stated he hopes the board had a chance to review the IT Policy. The board agreed to pass it.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve the IT Policy.

CARRIED AYES ALL

Landbank: Supervisor Frank stated the money from the grant is being held up until the difficulties with the County are resolved. So they cannot remove the trailers or build the fence yet.

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

Subdivision Local Law: Attorney Bray stated he is still working on this and wants to follow up with the planning board.

SunEast Solar Project: Supervisor Frank stated we had the public hearing this evening.

DVNO Solar Project: Attorney Bray stated he recently received correspondents and now we are waiting for CT Male to review the information as well, then we can schedule a meeting.

Court Grant: Supervisor Frank stated the court grant is in progress.

10) New Business.

Supervisor Frank we have the NBT Insurance Agency Proposal effective 8/26/20-8/26/21. The price has gone up a hundred dollars and he would recommend it be renewed.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the NBT Insurance Policy.

CARRIED AYES ALL

11) Reports.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Planning Board Meeting Minutes dated 7/29/20.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town Justices' Reports for July, 2020.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Full Environmental Assessment Form Part 1, 2, and 3 for the East Herkimer Sewer District.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated August 17, 2020.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated August 17, 2020.

CARRIED AYES ALL

11) Purchase orders and Audit.

There were no purchase orders for this meeting.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file and approve the audit dated August 17, 2020.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to close executive session with no decisions made.

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 September 8th, 2020 at 6:00PM virtually and telephonically.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk