

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, October 5, 2020, at 6:00PM telephonically and virtually

02) Roll Call of Officers

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

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.

Motion by Councilman Stalteri seconded by Councilman Carbone, to accept and place on file the minutes of the previous meetings held on September 21, 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.

No one from the public wished to speak.

Motion by Councilwoman Penree, seconded by Councilman Stalteri 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-F listed below.

- A.) A letter dated September 17, 2020 from resident Wanda Ingraham expressing her concerns with properties she owns on Piper Road.
- B.) An email dated September 21, 2020 from the Officer of the NYS Comptroller Assistant Comptroller, Tracey Hitchen Boyd, concerning the Town of Herkimer's Fiscal Stress Score. Supervisor Frank stated we are financially okay according to our financial stress score.
- C.) An email received September 22, 2020 from the Office of the NYS Comptroller Chief of Policy and Research, Ben Schwartz, concerning the processing of a State Aid and Incentives for Municipalities payment for the Town of Herkimer. Supervisor Frank stated the state aid has been cut by twenty percent.
- D.) A letter dated September 30, 2020 from NYS Ag. and Markets Senior Environmental Analyst, Andy Steiner, concerning no objection to the Town of Herkimer being the lead agency for the solar project on Shells Bush Road. Supervisor Frank stated we have the SEQR process going for the solar project on Shells Bush Road. NYS Ag. and Markets didn't have an issue with us being the lead agency. Clerk DeMetro stated Herkimer County Highway Department has no issues with us being the lead agency either.
- E.) An emailed dated September 30, 2020 from Herkimer-Oneida Counties Comprehensive Planning Program concerning the Special Use Permit for the solar project on Shells Bush Road. Supervisor Frank stated this is a procedure process and no recommendation was made.
- F.) A letter received September 30, 2020 from the Village of Herkimer concerning information about lead in your drinking water.

Supervisor Frank stated letters were sent out from the Village and they are working to remedy the situation.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Supervisor Frank stated the judges are interested in changing out the windows in the court and are looking into a sanitizing machine. They asked about getting a magnetometer if they are not allowed to use the money for what they are requesting it for. I told them its anticipated to be a tough budget year and someone would have to be hired to operate it. This resolution gives them the opportunity to ask for the maximum amount allowed.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve resolution No. 24 of 2020 to approve the application for the 2020-2021 JCAP Grant for the Court facilities.

A roll call was taken by Clerk DeMetro as follows:

	Ayes	Nos	Absent
Supervisor Dominic Frank	<u> X </u>	<u> </u>	<u> </u>
Councilman Randy Kast	<u> X </u>	<u> </u>	<u> </u>
Councilman Vito Carbone	<u> X </u>	<u> </u>	<u> </u>
Councilman Daniel Stalteri	<u> X </u>	<u> </u>	<u> </u>
Councilwoman Kathy Penree	<u> X </u>	<u> </u>	<u> </u>
Total:	<u> 5 </u>	<u> 0 </u>	<u> 0 </u>

CARRIED AYES ALL

09) Old Business.

Water District:

Mckennan Road Enhancement Project: Supervisor Frank stated the project is moving right along. We are putting together a contract with John Werczinski. He was the lowest bidder for clearing out the access road and tower property. The clearing will be done by the end of the month and then we will get the spec's for the soil boring. Attorney Bray stated he has starting conversating with the engineer with siting for the pump station.

West Herkimer Water: Supervisor Frank stated he hasn't heard anything since our last meeting Attorney Bray stated he hasn't had a meeting yet because they are trying to coordinate what works best for everyone.

East Herkimer Sewer District: Supervisor Frank stated we have a sewer contract with the Village of Herkimer.

Steuben Hill Road:

Solar Project on Sokol Road:

Codes: Codes Enforcer Collis stated a notice has been sent to the tenants of the Glenn Ridge Motel from the owner stating that they will be closing as of October 27th. He stated the letter is typed from a resident but says its from the owner. It does not have a signature on it. The owner did not show up to collect the rent for this month either. Collis stated as people are moving out, he has been putting condemned signs on the doors as they leave. He stated six have moved out already and everyone else plans to be leaving as well.

Collis also stated the Ward brothers have moved all the cars off the property on Pine Grove Road and the only things left are farming equipment. Collis has notified the stated that it has been cleaned up.

Codes Enforcer stated the land collapsed on the business property of Stompin' by Mike. They are waiting for a letter from an engineer to say it is safe to demo the building and will have to have a hold harmless to the Town of Herkimer.

Councilman Stalteri stated on Main Road there is a tent in the driveway of a condemned house. He is concerned that the previous owner's son is living in it. He also stated that Collis will have to

get a hold of the bank because they have not been picking up the garbage from there and they are not maintaining the property. Collis stated the old owners do not know anything about it. Clerk DeMetro stated he tried to contact the lawyers in charge of the foreclosure on Pine Grove Road but he has not returned any calls. Councilman Stalteri stated we should talk to our Quarterback that we hired for the Zombie grant to try to find out how to get a hold of them and put pressure on the banks to keep these properties maintained.

NYMIR Risk Control Resurvey Report: Supervisor Frank asked what the status was for repairs to our sprinkler system. Clerk DeMetro stated the quote we were originally given was inaccurate they had sent another quote that was significantly higher. She is asking Supervisor Frank to review it before we proceed.

Landbank: Supervisor Frank asked Codes Enforcer Collis if he has given them a list of vacant properties for the Zombie Grant. Collis stated he had sent them a list before and hasn't heard anything back.

Councilman Stalteri stated we are hoping to hear back on how it we can acquire the property they had tore down on Main Road so we can use that for our sewer line. We will wait to see that they propose.

Dog Control Local Law: Tabled

Subdivision Local Law: Tabled

SunEast Solar Project: Supervisor Frank stated we haven't heard anything. The Town of Schuyler had their meeting but we do not know the result and we have not heard anything from our consultant.

DYNO Solar Project: Supervisor Frank stated the Planning Board is waiting to meet until we have answers to the questions our consultant had asked. He stated he has spoken to Joseph Murine and asked him to put in writing that this project would have nothing to do with the hydroplant. We have yet to received anything. We haven't heard anything new from our consultant regarding this project either. Supervisor Frank stated we have ten thousand of the projected thirty thousand for costs in an escrow account and we just received a bill for eleven thousand from our consultant and we haven't received a bill yet from our engineer. He will be reaching out to them regarding putting more money into the escrow account and he will only pay with what money we have.

10) **New Business.**

Supervisor Frank stated we have several budget meetings scheduled.

11) **Reports.**

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the New Verizon Wireless Contract.

Supervisor Frank stated something happened with Verizon and NYS but this is the same contract. He also had our IT guy Brian Keeler review it as well.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the letters of intent for FEMA Flood Mitigation Funding.

Supervisor Frank stated he services to date have been free.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Title Recommendations for balancing interfund loans.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Bank Reconciliation Report for August, 2020.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Kast to accept and place on file the DCO Report for September, 2020 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated October 4, 2020.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Revenue and Expense Report dated October 4, 2020.

CARRIED AYES ALL

11) Purchase orders and Audit.

There were no purchase orders for this meeting.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve the audit dated October 5, 2020.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to go into executive session to discuss personnel.

CARRIED AYES ALL

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

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, October 19th, 2020 at 6:00PM. The next meeting is tentatively scheduled for a virtual and telephonically meeting.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk