

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, October 19, 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  
 Highway Supt.-----David McManus  
 Deputy Attorney-----Kyle Crandall  
 Codes Enforcer-----Ken Collis

Excused:

**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 Councilwoman Penree, to accept and place on file the minutes of the previous meetings held on October 5, 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-Q and routed material listed below.

- A.) A letter dated September 29, 2020 from the Edwin J. Wadas Foundation Executive Director, Victoria Cataldo, explain the process for applying for funding to enhance athletic programs in Oneida and Herkimer Counties for children ages 5-18.  
 Councilwoman Penree stated she thinks would be worth looking into. Attorney Bray stated he is close friends with Victoria and this organization has money they are willing to give away. He suggested that we make a wish list and submit it for them to decide what or if they deem acceptable for funding. The board agreed to proceed and Supervisor Frank will pursue this.
- B.) A letter dated September 30, 2020 from the NYS Department of Health to the Village of Herkimer Board concerning the significant violations of the Public Water System.
- C.) A letter dated October 2, 2020 from Attorney Kevin Madonna concerning the East Herkimer Water District and the impending NYS maximum contaminant levels for PFOA and PFOS.
- D.) A letter dated October 5, 2020 from Christopher Baimonte of the Wladis Law Firm concerning a Public Hearing for the Town of Schuyler to amend Local Law No.2 of 2017 Solar Ordinance.  
 Supervisor Frank stated he is not sure of the results of this meeting.
- E.) An email received October 6, 2020 from Spectrum Government Affairs concerning keeping communities connected when it matters most.
- F.) A resolution dated October 7, 2020 from the Herkimer County Legislature concerning the County Equalization Rates for the 2020 Assessment Rolls for Municipalities in the county.  
 This is shows where we are with the rates.

- G.) A letter dated October 7, 2020 from the NYS Teamsters Council Health and Hospital Fund Executive Administrator, Kenneth R. Stilwell, concerning the Expiring Participation Agreement.
- H.) An email received October 7, 2020 from the Barton and Loguidice Staff Environmental Scientist, Grete Day, concerning the SEQRA for the proposed Village of Herkimer Sewer System Improvements Project.
- Motion by Councilwoman Penree, seconded by Councilman Stalteri to allow the Village of Herkimer to be the lead agency for the Village of Herkimer Sewer System Improvements Project.
- CARRIED AYES ALL
- I.) A letter dated October 7, 2020 from the Association of Towns concerning the 2021 Training School and Annual Meeting.
- Motion by Councilman Stalteri, seconded by Councilman Carbone to approve Supervisor Frank to be the delegate for the Annually AOT Meeting and Deputy Supervisor Stalteri as the alternate.
- CARRIED AYES ALL
- J.) An email received October 8, 2020 from NYSDOT of the Mohawk Valley Region Planning & Program Management, Beth Watts, concerning the Solar Project on Shells Bush Road.
- K.) An email received October 8, 2020 from NYS Division of Homeland Security and Emergency Services Office Assistant, Sharon Nahumyk, concerning the PW 233 Bluebook.
- Supervisor Frank stated the bluebook proceeds the funding letter. We received the check today.
- L.) An email received October 9, 2020 from Consumer Representative of National Grid, Bradley Smith, concerning Holiday Lighting.
- M.) A letter dated October 10, 2020 from Constructure Technologies concerning the Statutory Gross Receipts for September, 2020.
- N.) An email dated October 14, 2020 from Chief Operating Officer of WMR Services LLC, Joseph Murine, requesting the Town of Herkimer table the special application permit process for the Herkimer Solar LLC solar project effective immediately.
- Supervisor Frank stated the DYNO Solar has pulled the plug on the Shells Bush Road. The consultants have to get paid for the work that has been done. We have all the billing from Wladis Law Firm but we have not received a bill yet for the work that the engineers from CT Males have done. They had given an estimate for eight to twelve thousand but we are unsure how much work has been completed. He would like to send all billing at once. He also stated to date we have received ten thousand in our escrow so in tonight's audit there is a voucher to pay around eight thousand to the Wladis Law Firm. They have sent us bills and this will cover some of what is owed.
- O.) An email received October 16, 2020 from Jim Thatcher of CT Male concerning the proposal letter to the Town of Herkimer for FEMA Flood Hazard Grant Applications for 2020.
- Supervisor Frank stated this is a proposal from CT Male to write grants for FEMA Flood Hazard Grant Applications. They have asked us to apply for two of the three. One was for the mitigation of the West Canada Creek on both the West and East sides of the creek. The second was for funding to hire an engineer to study and put a plan together for the Piper Road and Main Road area. CT Male is asking us to engage them to write the two grants for \$4,600. Supervisor Frank stated we have money in our planning fund to do so and the grants are due in January. The board agreed.
- Motion by Councilman Stalteri, seconded by Councilwoman Penree to allow Supervisor Frank to enter into a contract with CT Male to write the two grant applications.

CARRIED AYES ALL

- P.) An email received October 19, 2020 from NYS Division of Homeland Security and Emergency Services Office Assistant for Disaster Recovery Finance, Jenelle Hotte, concerning a payment. Supervisor Frank asked Highway Supt. McManus if we would be making the repairs before winter. McManus replied stating right now he is focused on getting ready for winter. He stated he was unable to get this done over the summer due to being down employees. He doesn't believe they will have time to get any of the road maintenance done till spring. He stated they have made minor repairs and will finish in the spring. Supervisor Frank stated they have until June 19, 2020 to finish according to this letter.

**07) Routing.**

FEMA- Proposed Flood Hazard Determinations for Herkimer County.

CARRIED AYES ALL

**08) Resolutions.**

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve resolution No. 25 of 2020 to hold the Public Hearing for the 2021 Preliminary Budget virtually and telephonically on November 2, 2020 at 6:15PM.

CARRIED AYES ALL

**09) Old Business.**

Water District: Highway Supt. McManus stated we will start flushing hydrants tonight.

McKenna Road Enhancement Project: Highway Supt. McManus stated John Werczynski did a great job clearing the land for the access road and water tower. The highway employees will have to put a culvert pipe in for the driveway to make it accessible. Supervisor Frank asked if there was going to be a bidding out for the soil boring? Attorney Bray stated Jeff Tresjack thinks the soil borings will exceed our purchase policy of anything with cost over twenty thousand dollars would need to be bid out therefore we would need to go through the formal bidding process. Another option would be to amend our purchase policy and raise the dollar amount needed for going out for bids. The only issue he foresees with this option is say we raise it to thirty-five thousand and the bids are all above that amount then we would have to still go to through the bid process anyways. Regardless of this project he would recommend us raising the larger amounts but as for this project the estimated costs give for the soil boring was between twenty and fifty thousand. Councilman Kast stated he thinks we should have some sort of bid process for this. Supervisor Frank stated the issue with the bid process is that it takes longer and we would like to get this done before the weather changes.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to raise the upper limits of the Town of Herkimer's Purchase Policy.

CARRIED AYES ALL

Attorney Bray stated he has been in communication with Jeff Tresjack and stated the engineers want the pump location to go where they suggested. The County says we need to get consent from the landowners. Bray will get in touch with the landowners once he clarifies who the owner is.

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 signed sewer contract with the Village of Herkimer.

Steuben Hill Road:

Solar Project on Sokol Road:

Codes: Codes Enforcer Collis asked what we are going to do if the people from the Glen Ridge Motel won't leave? Attorney Bray stated we can fine the owner and bring him to court pursuant to it not being licensed. Collis stated there are eight people still living there and more are expected to be leaving but some are not willing to leave quietly. Councilman Stalteri stated this is a public health issue and doesn't have to do with the license. He stated these people will be living in a place without electric or water. Attorney Bray stated the codes violation have been accepted for evictions during Covid. Supervisor Frank stated we will have Attorney Bray start proceeding with the owner and as far as the tenants we will have Codes Enforcer Collis and Attorney Bray work to get them out. Councilman Stalteri suggested having Bray contact social services or DDS to get these people out and find a replacement place for them to live. Attorney Bray agreed and will do so.

NYMIR Risk Control Resurvey Report:

Landbank:

Dog Control Local Law: Councilman Stalteri stated relative to Dog Control we had another dog attack. Attorney Crandall stated he has been communicating with DCO Erica Dunton to help with dog control court cases.

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.

**10) New Business.**

**11) Reports.**

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Signed Sewage Disposal Contract with the Village of Herkimer.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Contract Agreement with John Werczynski.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve to send this bill to the Town of Schuyler for them to pay out of the escrow account.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the 2020-2021 Herkimer Town Court JCAP Grant Application.

Supervisor Frank stated they have requested the full amount allowed to be used for window replacement, furniture, and a Clorox disinfectant machine. They will find out in December if they were grant it or not.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Town Justice's Reports for September, 2020.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated October 16, 2020.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Revenue and Expense Report dated October 16, 2020.

CARRIED AYES ALL

**11) Purchase orders and Audit.**

There were no purchase orders for this meeting.

Motion by Councilman Carbone, seconded by Councilwoman Penree to approve the audit dated October 19, 2020.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to close executive session with the decision made to remove Item C of Petitions and Communications from the agenda.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to authorize Supervisor Frank to sign a purchase agreement for 156 Main Road for the East Herkimer Sewer District.

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, November 2<sup>ND</sup>, 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