

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, November 2, 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
 Codes Enforcer-----Ken Collis
 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 Councilman Stalteri, to accept and place on file the minutes of the previous meetings held on October 19, 2020 as written.

CARRIED AYES ALL

05) Public Hearing.

Supervisor Frank read the Public Hearing Notice for the 2021 Preliminary Budget. He stated he has three recommended changes for the boards consideration since they have met and created the Preliminary Budget. The first recommendation is for a new truck for the Highway Department. This was discussed at budget time and now we have an exact amount. He proposed we increase the BAN fun from \$250,000 to \$263,000. He stated this will have no affect on the rest of the budget. The seconded recommendation is an edit in the B fund for workers' comp was originally put at \$20,563 and the actual number is \$19,688. The third and final recommendation is to put in the correct amount of \$136,450 for the East Herkimer Fire Department. He stated when we created the preliminary budget, we had not received this information yet. No one from the public wished to comment.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve the 2021 Budget with the recommended changes by Supervisor Frank.

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.

No one from the public wished to speak.

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

CARRIED AYES ALL

07) Petitions and Communications.

Motion by Councilman Stalteri, seconded by Councilman Kast, to accept and place on file all the petitions and communications 7A-F and routed material listed below.

- A.) A letter dated October 16, 2020 from Herkimer County Treasure, Kimberlee Enea, concerning the Sales Tax Apportionment Summary for the 2020 3rd Quarter Based on the 2019 Tax Roll. Councilwoman Penree stated this is good news with the sales tax.
- B.) A letter dated October 23, 2020 from NYS Parks, Recreation and Historic Preservation Deputy Commissioner for Historic Preservation, R. Daniel Mackay, concerning the Hildreth Homestead on Route 28.

- C.) An email received October 23, 2020 from Kevin Murphy of the Wladis Law Firm, concerning an update on the SunEast Solar Project.
- Supervisor Frank stated we should be voting on this at our next meeting.
- D.) A letter dated October 30, 2020 from Charter Communications Director or Government Affairs, Alice Kim, concerning an increase for monthly pricing for new customers.
- E.) An email received October 30, 2020 from NYSEERDA concerning Shine a Light on the Benefits of LED Street Lighting.
- F.) An email received October 30, 2020 from Vicki Cataldo of the Wadas Foundation confirming they have received our Grant Application.
- Supervisor Frank stated we did submit our grant application for forty-four thousand for a new basketball court. Supervisor Frank thanked Councilman Stateri for getting this together for us.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve resolution No. 27 of 2020 to hold the Public Hearing to raise water rates that we be held virtually and telephonically on November 16, 2020 at 6:05PM.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept, place on file and approve resolution No. 28 of 2020 specifying the number of highway employees.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Supt. McManus stated we read the meters for East Herkimer. He stated we will know more tomorrow on how much we lost from the Glen Ridge Motel. It was about fifteen thousand gallons for this past weekend. Supervisor Frank stated he notified the owner that we were served. Councilman Carbone stated he had spoken to the owner today and told him that the water leak needs to be fixed. He stated the owner asked if the Town would be able to fix it and he would pay us or if we had any local recommendations. Attorney Bray stated he would recommend that the town not do the work but give recommendations of who can.

Mckennan Road Enhancement Project: Supervisor Frank stated we have a change order from John Werczinski. We had used the same notice from last time for the bids but the dimensions had changed since then so there was more work to be done than anticipated.

Attorney Bray stated he has been in contact with the landowners for the location of the pump. We are working on setting a time to meet with them, Jeff Tresiak, and Supervisor Frank.

West Herkimer Water: Supervisor Frank stated he quizzed our engineer on if the district has been formed with the State Comptroller's Office and County and was told yes it has been.

East Herkimer Sewer District: Supervisor Frank stated he has been in communication with Tolga from the Landbank. Attorney Bray stated he would recommend we proceed without an abstract. He stated as long as we have title insurance, he doesn't believe we need one. Bray also stated we revised one paragraph in the contract but other than that everything looked good. Supervisor Frank stated he hasn't heard anything from the State Comptroller's Office. Attorney Bray stated he has been trying to set up a meeting with Bond Council.

Motion by Councilwoman Penree, seconded by Councilman Carbone to allow Supervisor Frank to sign a contract with the landbank to purchase the land.

CARRIED AYES ALL

Solar Project on Sokol Road:

Codes: Codes Enforcer Collis the deadline of October 27th has come and gone for the tenants to be out of the Glen Ridge Motel but eight people are still living there and have no intentions of leaving. Attorney Bray stated we need to proceed on an order to vacate the people due to code violations. He stated we should also be going after the owner per our Property Maintenance Laws and our Nuisance Law to get the tenants out.

NYMIR Risk Control Resurvey Report:

Landbank:

Dog Control Local Law: Tabled.

Subdivision Local Law: Tabled.

SunEast Solar Project: Councilwoman Penree stated some of the residents have expressed their concerns to her. One statement was made on why we would allow trees to be cut down in order to create solar energy?

10) New Business.

Fire Hydrants: Highway Supt. McManus stated Fire Hydrants on private property do not get flushed by us but we have always done the on at BOCES. He is wondering who owns the hydrant?

Councilman Kast stated typically if it's on their property, then they own it and it's the responsibility of the landowner. Kast also stated it should have been in the plans when BOCES built it. McManus stated he has spoken with the Village about it as well and the only thing that he can come up with, is that we flush it because it's at the end of the line.

East German St. Ext.: Supervisor Frank stated he got ahold of CME Engineering group and they were able to come out and inspect it. We will be getting a written report but based on his analysis he sees no global issues. He stated there should be some setting of the sheet piling, which was to be expected.

Budget: Supervisor Frank stated before we can pass a budget, we need to file a tax cap report.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to allow Supervisor Frank to file the tax cap report.

CARRIED AYES ALL

Supervisor Frank filed the tax cap report to the State Comptroller for the 2021 Budget at 7:24PM on November 2, 2020.

11) Reports.

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the 2021 East Herkimer Fire District Budget Summary.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Sales Tax Report.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Cash Report for September, 2020.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Water and Sewer Meeting Minutes dated 10/20/2020. Councilman Stalteri stated we are going to start metering the Town Garage to save money for the East Herkimer Water District.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept, place on file and submit to the Town of Schuyler for payment of the Wladis Law Firm Bill for the Watkins Road Project.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Town Clerks' Report for October, 2020.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilman Carbone to accept, place on file and approve the 2021 Budget at 8:07PM.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated November 1, 2020.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Revenue and Expense Report dated November 1, 2020.

CARRIED AYES ALL

11) Purchase orders and Audit.

There was one purchase order for tonight from Highway Supt. McManus for a new plow/dump truck. This was previously discussed at budget time. McManus stated it's for a brand-new Western Star that is OGS priced. The only upgrade we recommended was to add aluminum rims because they last longer. Supervisor Frank asked when the new truck would be expected to be delivered? McManus stated it will be completed in May or June of 2021. McManus stated this will replace the 1990 Ford Sterling.

Motion by Councilwoman Penree, seconded by Councilman Kast to accept, place on file and approve the purchase order for a new 2022 Western Star Model 4900SF truck for our Highway Department.

CARRIED AYES LL

Motion by Councilman Stateri, seconded by Councilwoman Penree to approve the audit dated November 2, 2020.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stateri, 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, November 16th, 2020 at 6:00PM. The next meeting is scheduled as a virtual and telephonically meeting.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk