

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, December 7, 2020, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present:	Supervisor-----	Dominic Frank
	Councilman-----	Randy Kast
	Councilwoman-----	Kathy Penree
	Councilman-----	Daniel Stalteri
	Councilman-----	Vito Carbone
	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. Supervisor Frank stated he would like everyone to take a moment of silence in remembrance of Pearl Harbor

04) Reading of the Minutes.
Motion by Councilwoman Penree seconded by Councilman Stalteri, to accept and place on file the minutes of the previous meetings held on November 16, 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 to please state your name, address and tell us why you are here.

Robert Schrader asked if the board has heard anything relative to the hyrodame. Supervisor Frank stated he spoke to the regional director for the federal agency that governs hyrodames and was told the owner was made a favorable deal to do business and he is now working to make it functional and operating by March, 2021. The NYSDEC and Wildlife are involved and requiring the owner to remedy the erosion issues on the East side of the creek across the creek from the dame. Mr. Schrader thanked him for the update and is looking forward to the restoration of this property and the bank across from it.

Frank Spatto stated his main concern with the Watkins Road Solar Project is having access to his property.

Julie Todd stated Mr. Spatto lost access in 1954 when the thruway was put in.

Councilwoman Penree stated this issue needs to be resolved civilly.

Kevin Murphy stated nothing in the Town of Herkimer will affect the road.

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

CARRIED AYES ALL

06) Petitions and Communications.
Motion by Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file all the petitions and communications 7A-K listed below.

- A.) A letter dated November 10, 2020 from Constructure Technologies concerning the Statutory Gross Receipts for October, 2020.
- B.) A letter dated November 12, 2020 from Chris Baimonte of the Wladis Law Firm concerning the SEQRA Negative Determination of Significance.

- C.) A letter dated November 13, 2020 from Herkimer County Highway Superintendent, Mark Nagele, concerning the Agreement for Removal of Snow and Ice from County Road.
- D.) An email dated November 19, 2020 from Supervisor Frank to Herkimer County Highway Superintendent, Mark Nagele, concerning our certificates of insurance and workers' compensation certificate.
- E.) Letters dated November 30, 2020 from Supervisor Frank to NYS Division of Homeland Security and Emergency Services Commissioner, Patrick Murphy, concerning the 2020 FEMA Building Resilient Infrastructure and Communities/ Flood Mitigation Assistance Sub applications. Supervisor Frank stated when applying for funding through FEMA, they cover 75% of the project. These letters are letting them know that we understand we have to cover the remaining 25% if awarded the grant.
Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve the understanding that we would be responsible for 25% of the project.

CARRIED AYES ALL

- F.) Letters dated November 30 and December 4, 2020 from Alice Kim, Director of Government Affairs for Charter Communications concerning upcoming changes in service.
- G.) A letter dated December 1, 2020 from Executive Director of the Edwin J. Wadas Foundation, Victoria Cataldo, concerning the approved grant request.
Councilwoman Penree thanked Supervisor Frank and Councilman Stalteri on making this possible for the Town. Preparations ahead of time paid off for a successful grant approval.
Councilman Stalteri stated this will be great for our youth.
Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the award.

CARRIES AYES ALL

- H.) Emails dated December 1st and 3rd, 2020 between Supervisor Frank and Herkimer County Treasurer, Kim Enea concerning the water re-levy.
Supervisor Frank stated this has to do with the trailer park and we have been notified to pay back the funds collected.
- I.) An email dated December 3, 2020 from the Division of Local Government and School Accountability Manager of the Data Management Unit, Mary Berghela, concerning the Annual Financial Report.
Supervisor Frank stated we need to start preparations for our Annual Financial Report.
- J.) A contract between the Town of Herkimer and Aztech Environmental Technologies for the Soil Borings of Water District #3 Improvements Project.
Supervisor Frank stated this is the award of contract to Aztech for the soil borings. Supervisor Frank stated they were the lowest bidder.
Motion by Councilman Stalteri, seconded by Councilwoman Penree to award the contract to Aztech.

CARRIED AYES ALL

- K.) A letter dated December 7, 2020 from the concerned citizens of the Town of Herkimer, Village of Herkimer, and Town of Schuyler expressing concerns with the Watkins Road Solar Project. Additional petitions and supporting information are included in this packet.
16, 2020 with over two hundred signatures opposing the Watkins Road Solar Project.

CARRIED AYES ALL

07) Routing.
08) Resolutions.

Supervisor Frank stated if approved this would begin the project in the Town of Herkimer. It was recommended by our planning board after their review. Councilwoman Penree asked Planning Board Chair Mark Gaworecki if they had foreseen any issues? Gaworecki replied stating there were no issues in accordance with our Zoning Ordinance. Councilman Stalteri asked if the question was ever risen about the Bellingr Brook? Gaworecki replied stating it would not be affected because the ground is not being impacted.
Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve resolution No. 32 of 2020.

A roll call was taken:

	Ayes	Nos	Absent
Supervisor Frank	<u> X </u>	<u> </u>	<u> </u>
Councilman Stalteri	<u> X </u>	<u> </u>	<u> </u>
Councilman Carbone	<u> X </u>	<u> </u>	<u> </u>
Councilwoman Penree	<u> </u>	<u> X </u>	<u> </u>
Councilman Kast	<u> X </u>	<u> </u>	<u> </u>
Total:	<u> 4 </u>	<u> 1 </u>	<u> </u>

Councilwomen Penree stated this decision is not because of the road but because of all the residents who signed the petitions near the project that is raising red flags.

CARRIED AYES ALL

Supervisor Frank stated we have several transfers for tonight to do with costs due to Covid, fixing the sprinkler system, and adding stronger security measures.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file, and approve all the recommended transfers.

CARRIED AYES ALL

Supervisor Frank stated we need to make budget amendments for the work that has been done on McKennan Road. We will be reimbursed but have to pay it first.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file, and approve all the recommended budget amendments.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Supt. McManus stated we were losing 5,000 gallons a day, now we are seeing about 150 gallons a day. He stated we fixed one of the two leaks. The one we have not fixed is under the middle apartment.

McKannan Road Enhancement Project: Supervisor Frank stated he left a message for the owner but did not hear back from them. Attorney Bray will follow-up.

West Herkimer Water:

East Herkimer Sewer District: Attorney Bray stated he is waiting for a letter of engagement.

Solar Project on Sokol Road: Previously discussed.

Codes: Codes Enforcer Collis stated the dumpster at the Glenridge Motel has been removed but there are still bags of garbage and garbage on the ground blowing around. Neighbors have been complaining. He also stated the person who had a lawyer has been placed elsewhere by the County but comes back to feed her cats that she left in the apartment. There are still six people living there in five rooms. Collis stated he will condemn the one that she was moved out of. Councilman Stalteri stated we should refer to our property maintenance law for the garbage. He also asked if there is heat in these apartments? Because if there isn't, we run the risk of the pipes freezing. Highway Supt. McManus stated that when he was there on Wednesday, he witnessed the apartment on the west side did not have heat and the septic is not working. He also stated there is a camper next to it. He stated the water is still on. One apartment he walked through with the realtor had the heat on and the a/c running. Attorney Bray stated we have the right to remove the litter but need to notify the owner, tenants and lawyers involved first. Bray stated the letter should come from Codes Enforcer Collis. Councilman Carbone asked what the status is on getting the rest of the people out. Attorney Bray stated we will further discuss this in executive session.

NVMIR Risk Control Resurvey Report: Supervisor Frank stated he thinks we have taken care of the policies.

Landbank:

Dog Control Local Law: Tabled.

Subdivision Local Law: Tabled.

10) New Business.

Assessment Review Board Re-appointment of Daniel Rivers
Motion by Councilwoman Penree, seconded by Councilman Stalteri to approve the re-appointment of Daniel Rivers to the Assessment Review Board for a five-year term.

CARRIED AYES ALL

Supervisor Frank stated Highway McManus has recommended hiring two seasonal workers for the winter. This was discussed during budget time and they will begin work on December 14th.

11) Reports.

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Water and Sewer Meeting Minutes dated November 24, 2020.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Town Justices Reports for November, 2020.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated December 6, 2020.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated December 6, 2020.

CARRIED AYES ALL

11) Purchase orders and Audit.
There were no purchased.

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Audit dated December 6, 2020.

CARRIED AYES ALL

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

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 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 Monday, December 21st, 2020 at 6:00PM. The next meeting is scheduled as a virtual and telephonically meeting.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk