

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, December 21, 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.

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 December 7, 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.
No one from the public wished to speak.

Motion by Councilman Kast, seconded by Councilwoman Penree 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 6A-H listed below.

- A.) A letter dated December 2, 2020 from NYS Parks, Recreation and Historic Preservation Deputy Commissioner, R. Daniel Mackay, concerning the Hildreth Homestead.
- B.) A letter dated December 2, 2020 from the Village of Herkimer Clerk, Colleen Gross, concerning the Steuben Hill Road Water District.
Supervisor Frank stated he has had some discussions with the Village Clerk but have not had any resolution so far. He was promised a call back tomorrow. The current administration was unaware that they need to subtract their customers from the master meter total before billing us. We had received a bill for just over \$7,200 which is about three times what we are normally billed for.
- C.) A letter dated December 7, 2020 from Supervisor Frank to the NYS Office of the State Comptroller Manager, Mary Berghela, requesting an extension for the Town of Herkimer's 2020 AUD and Financial Report.
Supervisor Frank stated every year we ask for an extension for this to give us more time to prepare it.
- D.) Letters dated December 9, 2020 from Codes Enforcer Collis to the owner and tenants of the Glenridge Motel concerning the removal of rubbish and litter around the premises.
Supervisor Frank asked Codes Enforcer Collis if he had heard anything? Collis replied stating that the owner called for a dumpster to be left there but due to the snow storm they were unable to leave it.
- E.) A letter dated December 10, 2020 from the Laberge Group President, Richard Laberge, concerning grant funding anticipated to be available.
- F.) A letter dated December 10, 2020 from Clerk DeMetro to the Officer of the State Comptroller Justice Court Fund concerning the appointment history for our Town Justice's in 2020.

Supervisor Frank stated we have not been billed from the State this whole year and was told it was because they were unaware that Judge Petucci was back on the bench. We should be receiving a bill shortly.

G.) A letter dated December 10, 2020 from Constructure Technologies concerning the statutory gross receipts for November, 2020

H.) A letter dated December 12, 2020 from MOVAC concerning an Annual Budget Request.

Councilwoman Penree asked if we were giving MOVAC money this year? Supervisor Frank replied stating that he thought this was a request for next year's budget and that the board would further discuss this in executive session.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the routed material for the AOT 2021 Annual Meeting and Training School Information.

CARRIED AYES ALL

08) Resolutions.

09) Old Business.

Water District: Highway Supt. McManus stated today we found another leak at the Glenridge Motel on the Walnut side of the building. There is not heat in this location. Because of the location of the leak, we are unable to get to it to fix it. He also stated he noticed that the camper was gone. Attorney Bray stated we are still unable to shut the water off at this time and he will further discuss this in executive session. Councilman Carbone stated the camper was moved to Newport but the people are still living in the apartment. He stated they brought in something for heat. Councilwoman Penree asked if this was a fire hazard? Collis will check it out tomorrow. Attorney Bray stated Codes Enforcer Collis should reinspect as much as he can. Collis stated he will do so again tomorrow and has put condemned signs on all the doors.

Mckennan Road Enhancement Project: Supervisor Frank stated he made a phone call today to our consultant engineer and our insurance stated that there needs to be certain language that is required that needs to be added to our contract for the soil borings. He spoke with Aztech and their lawyers do not see a problem with adding the language requested.

Supervisor Frank also stated he has had positive communication with the landowners for the placement of the pump and will further discuss the negotiations in executive session.

West Herkimer Water: Supervisor Frank stated for both the West Herkimer Water Project and the East Herkimer Sewer District Project we will need to borrow money.

East Herkimer Sewer District: Supervisor Frank stated we have a signed purchase agreement.

SunEast Solar Project: Supervisor Frank stated we approved the project at our last meeting but are waiting for them to fulfill what is required. All items required need to be resolved before Codes Enforcer Collis can submit a permit to them.

Codes: Councilwoman Penree asked what the status was with the house on Pine Grove Road? Codes Enforcer Collis stated there is still someone living there. He stated he called the bank who owns is now but they haven't done anything about it and the electric is still on. He stated he also spoke with the young man who is living there, who is the son of the previous owners, but was told he has no place else to go.

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

Landbank: Supervisor Frank stated there have been discussion back and forth with the Landbank and the County relative to back taxes owed. He stated he is waiting for them to come to a resolution on how they would like the Town to proceed with the payment owed for water rents collected from the previous owner.

Dog Control Local Law: Tabled.

Subdivision Local Law: Tabled.

Dvno Solar: Supervisor Frank stated the developer is in negotiations with everyone he owes money to for this project. Once these are resolved he will give us the amount owed to be put in the escrow so we can then pay the bills.

10) New Business.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve the Town of Schuyler to pay the bills dated 12/1/20 and 12/18/20 from Wiadis Law Firm.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Water and Sewer Meeting Minutes dated December 15, 2020.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the East Herkimer Fire district Commission Certificate of Canvass of Election Officers.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated December 20, 2020.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated December 20, 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 20, 2020.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree 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 Special Meeting to be held on Wednesday, December 30th, 2020 at 4:30PM. The next meeting is scheduled as a virtual and telephonically meeting.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk