

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, January 17th, 2023, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilman-----Randy Kast
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis

Excused: Councilman-----Vito Carbone
Deputy Attorney-----Kyle Crandall

03) Pledge of Allegiance to the Flag.

Councilman Stalteri led us in the Pledge of Allegiance to the Flag.

04) Reading of the Minutes.

Motion by Councilman Stalteri, seconded by Councilman Kast, to accept and place on file the minutes of the previous meeting held on January 3rd, 2023 as written.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated if anyone would like to address the board to please state you name, address, and tell us why you are here.

Legislator Mark Gaworecki stated the Herkimer County Legislature has agreed that each legislator will have \$50k to use as they deem fit. He stated in his case he is looking for something that will make the community better and benefit the whole community. He asked the board to think about it and let him know if they have any suggestions. He stated other organizations have reached out to him with ideas or things they would use the money towards. Supervisor Frank stated one thing that comes to mind is the town was thinking about installing a walking trail up at our town park. Mr. Gaworecki stated the hope is to have all fund appropriated with a plan by the end of the year. Councilman Kast asked what the source of this funding is? Mr. Gaworecki replied stating this will be from a portion of our ARPA funding. He stated he would need a letter from us stating the facts of what we would be asking for. The board thanked him.

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

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Councilman Stalteri, seconded by Councilman Kast, to accept and place on file all the petitions and communications 6A through D listed below.

- A. A certificate of liability insurance dated January 3, 2023 for AstroTurf Corporation effective 1/1/23 through 1/1/24.
 - B. A letter dated January 3, 2023 from Supervisor Frank to Brian Riesel congratulating him for being hired as a seasonal highway employee.
 - C. A letter dated January 5, 2023 from Supervisor Frank to Vincent Gambacorta congratulating him for being hired as a seasonal highway employee.
 - D. A letter dated January 11, 2023 from NYSDDOT Acting Director of the Local Programs Bureau, Dawn Arnold, concerning 2022-23 CHIPS, PAVE-NY, EWR and POP reimbursements schedule.
- Supervisor Frank stated this is a letter from CHIPS that gives us a definition of what is happening in terms of funding. He stated he is pretty confident that we will get another letter once the state passes their budget. If the state does that it normally does for its usual course, then we should have about \$90k more coming and should be able to do everything we want.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on the item being routed of the Herkimer County Soil and Water Conservation District Newsletter for Winter 2023.

CARRIED AYES ALL

08) Resolutions.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve all of the transfers recommended by Supervisor Frank.

Supervisor Frank stated these are to make accounts even for the year end of 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to approve Resolution No. 5 of 2023- the Fixed Salary Resolution and salary schedule attached.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Superintendent Ken Ward stated he was up to Highland Ave. on Sunday and everything looks good but there is an issue the drive unit one of the pumps. He stated he is unsure where this is going to come to a head since we do not have a contract with the Village.

Mckennan Road Enhancement Project: Supervisor Frank stated he did speak to the Village Clerk and they are currently reviewing the supply contract for Mckennan Road. He stated he got together the most recent draft of the contract and just made edits to the dates. He stated we are still waiting on plans being reviewed by the Department of Health. Highway Supt. Ward stated that he still hasn't received a call back either.

West Herkimer Water: Supervisor Frank stated he has nothing new to report.

East Herkimer Sewer District: Attorney Bray stated he spoke to the local branch manager and he was able to confirm that a package from the Bank was sent to Mr. Lahey. He stated he reached out to Pastor Massive and made him aware of the situation. He will let us know when he receives the package so we can see what is in it on how to proceed. Attorney Bray stated the comptroller sent a duplicate application to the County Legislature for filing. The comptroller's office is done with their review and it has been sent on to the next step in the process. Supervisor Frank stated he is unsure what is going on with the USDA, he has emailed them but has not received a response back.

East German Street Extension: Supervisor Frank stated Bill Penree called last week about more cracking in the road. The consultant engineer is pushing to have the surveyor come out to take more measurements to be able to compare and see of any major movement. Councilman Stalteri stated the engineer is very concerned that this is still happening with the access weight removed. Highway Supt. Ward stated that he thought there was more cracking and some movement as well after looking at it.

Codes: Codes Enforcer Collis he spoke to Jim Hutton in regards to 202 Zoller Ave. and he has no information on the property after he let the county take it. Attorney Bray asked Collis if he thinks Mr. Hutton will be willing to cooperate? Collis replied stating that he thinks Mr. Hutton will.

Attorney Bray stated if he will it will make the process easier. Collis also stated he spoke to David Dardzinski from the Landbank and found that they have to go out for rebid which is set for opening the bids in mid-February. Collis also stated ELG is interested in buying of the additional buildings and they are wanting us to cooperate.

Zoller Ave: Previously discussed.

Landbank: Previously discussed.

Piper Road: Highway Supt. Ward stated the soil borings are all done and was a finding of mostly clay in all soil borings. Legislator Mark Gaworecki asked what the purpose of the study was? Supervisor Frank stated we feel the road has moved so we want to have this study done so we can come up with a mitigation plan.

NYMIR Risk Control Resurvey Report: Supervisor Frank stated he has nothing new to report.

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Supervisor Frank stated we did get some communication from the developer stating they have an executed agreement with National Grid. Supervisor Frank asked our consultant attorney to review it before we accept it. We are still waiting on the fee, executed decommissioning agreement and bond for the decommissioning agreement.

Cell Towers' and Town Zoning Ordinance: Tabled.

ARPA Funding: Tabled.

Updating Zoning Ordinance: Tabled.

Town Park: Supervisor Frank asked Attorney Bray if we have heard back from the sellers' attorney? Attorney Bray stated he had a conference call with the sellers' attorney and John Piseck of the Herkimer IDA and it appears the seller is ready to proceed with Phase II. The seller requested to be there when this is done. He also asked that the Town look for whatever funding is available to do the clean-up if need be but he understands that him being the owner would be responsible for what is not covered or taken off the purchase price. Bray stated he did see the insurance that came in from the engineers that will be doing this and he has seen an agreement signed by the engineer, although he thinks it needs to be marked up a little. We should have access soon. Once the agreement is signed, we can schedule the testing. He expects this to be able to happen within the next couple of weeks.

AOT Designation of Delegate: Supervisor Frank stated he spoke with Justice Manne who will be attending as well and willing to the alternate for the AOT Meeting.

Motion by Councilman Kast, seconded by Councilman Stalteri to appoint Justice Manne as our alternate for the AOT Meeting.

CARRIED AYES ALL

Fireworks: Tabled.

Annual Policies to review:

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve the Investment Policy as is.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve the Purchase Order Policy.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve the Depreciation & Fixed Assets Policy.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve the Town employee seminar/training reimbursement policy with board approval.

CARRIED AYES ALL

Appointments for 2023:

Clerk DeMetro stated per the recommended Water Clerk Rivers to appoint Deb Wright and Clerk DeMetro as the Deputy Water Clerks for a one-year term, 01/01/23 to 12/31/23.

Clerk DeMetro stated per the recommended Receiver of Taxes, Jodi Rivers to appoint Deb Wright and Clerk DeMetro as the Deputy Receiver of Taxes Clerks for a one-year term, 01/01/23 to 12/31/23.

Clerk DeMetro stated she is appointing Danielle Beach and Jodi Rivers as her Deputy Town Clerks for a one-year term, 01/01/23 to 12/31/23.

Registrar of Vital Statistics DeMetro stated she is appointing Danielle Beach and Jodi Rivers as her Deputy Registrars of Vital Statistics for a one-year term, 01/01/23 to 12/31/23.

Motion by Councilman Stalteri, seconded by Councilman Kast to recognize these appointments.

CARRIED AYES ALL

Fee Schedule: Supervisor Frank asked if anyone had comments before passing the fee schedule. Councilman Stalteri stated his only concern was for the fees for water since the prices for supplies have increased. Highway Supt. Ward stated the prices of curb stops have gone up.

Motion by Councilman Stalteri, seconded by Councilman Kast to increase the tap in fee by 10% for all water and sewer districts with these new rates effective today.

CARRIED AYES ALL

10) New Business.

Town of Herkimer Senior Citizen Exemption: Supervisor Frank stated our Assessor Daniel Maxwell suggested that we consider capping this amount so it is not changing annually. The County is capped at \$18k and the Village and School are capped at \$15k. Councilman Stalteri stated ours should reflect the same as the School and Village to keep it consistent. The board agreed. Supervisor Frank asked that Attorney Bray have two resolutions ready for our next meeting: 1. To revoke the existing capping amount and 2. To set the cap at \$15k.

Renewal of Teamsters Agreement: Supervisor Frank stated he received a call from our new teamsters' representative asking to start the renewal process. Supervisor Frank explained to him how our normal process is. Councilman Stalteri and Councilman Kast volunteered to work with them on these negotiations. Highway Supt. Ward stated he would like to see a probationary period added to the contract for new employees. Councilman Stalteri asked Ward to make a list of requests that can be addressed during negotiations.

BAR: Supervisor stated it has been brought to our attention that two of our Board of Assessment Review members are currently serving positions for the Village of Herkimer. According to the County as long as a majority is not elected or appointed, then it is acceptable for both to serve on the BAR since one was only the alternate for us. Supervisor Frank stated he wanted to make the board aware of the situation and get their thoughts on it. Councilman Stalteri stated he doesn't think it's a good representation for them or us to have them stay on. Je stated it has the appearance of a conflict of interest. Supervisor Frank stated he will call both individuals and let them know our thoughts on the situation and will report back to the board.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Bank Reconciliation Report for November, 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Cash Report for November, 2022.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the DASNY Grant Application for \$50k from Assemblyman Smullen dated 12/29/22.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Northern Border Regional Commission Performance Progress Report dated 1/9/23.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the NYS Homeland Security & Emergency Services Quarterly Progress Report dated 1/9/23. Supervisor Frank stated this is for Piper Road.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Minority Women Owned Business Enterprise Quarterly Report dated 1/11/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Signed Contract for 2023 with DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Declaration dated 1/6/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Emergency Orders dated 1/7, 1/12, and 1/17 of 2023 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Towns Justices Reports for December, 2022 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the DCO Monthly Report for December, 2022 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Trail Balance Report dated January 17, 2023 for end of year 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated January 17, 2023 for end of year 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated January 17, 2023 for 2023.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated January 17, 2023 for 2023.

CARRIED AYES ALL

11) Purchase orders and Audit.

Purchase Orders: Highway Supt. Ward stated he has two purchase orders for tonight; one is for the trailer and one is for the excavator. Both were previously discussed during budget time. Ward stated he received three quotes for each. Councilman Kast asked if part of this is being paid with

the \$50k from Assemblyman Smullen. Ward responded stating yes, it is. Supervisor Frank asked Ward to provide all of the quotes received not just the ones that were the lowest. Ward will do so. Both purchase orders were reviewed and signed with approval by the board.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Audit dated January 17, 2023 for the end of year bills for 2022. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Audit dated January 17, 2023 for the bills for 2023.

12) Adjourn.

Motion by Councilman Kast, seconded by Councilman Stalteri, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, February 6th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk