

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, February 21, 2023, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
 Councilman-----Randy Kast
 Councilman-----Daniel Stalteri
 Councilman-----Vito Carbone
 Highway Supt.-----Ken Ward
 Attorney-----Christopher Bray
 Codes Enforcer-----Ken Collis (attended by zoom)

Excused: Deputy Attorney-----Kyle Crandall
 Town Park Supervisor-----Kathi Nasypany

03) Pledge of Allegiance to the Flag.

Councilman Carbone 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 meeting held on February 6, 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.

Laurie Whitney of 525 Paradise Road in Little Falls stated she is a part of the NY Citizen Audit for the 2022 General Election. Ms. Whitney handed out and then read out loud a resolution to the Board Members the proposed resolution. She asked the board to consider passing it and hopes to have an answer on such at the next meeting.

Supervisor Frank asked Attorney Bray to review the resolution for the Town of Herkimer.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A letter dated January 20, 2023 from The Salisbury Ridge Runners Snowmobile Club requesting a letter or support for a grant proposal.
 Councilman Kast stated the Salisbury Ridge Runners Snowmobile Club is applying for grant funding and has better chances of getting it with letters of support. The board agreed to write a letter of support and Supervisor Frank will do so.
 Motion by Councilman Kast, seconded by Councilman Stalteri to allow Supervisor Frank to write the letter of support for the Salisbury Ridge Runners Snowmobile Club.

CARRIED AYES ALL

- B. A letter dated February 10, 2023 from the U.S Government's System for Award Management (SAM) confirming the registration submitted.
- C. A letter dated February 10, 2023 from the Office of the State Comptroller concerning the approval of the AUD Expansion.
- D. A letter dated February 10, 2023 from Supervisor Frank to the Empire State Development Corporation President, CEO and Commissioner, Hope Knight, concerning the ELG Utica Alloys Business Consolidation and Expansion.

- Supervisor Frank stated Utica Alloys is proceeding with the purchase of Herkimer Distribution.
- E. A letter dated February 13, 2023 from KB Group of NY Senior Director of Water & Wastewater, Douglas Cole, concerning the EPA Lead Service Line Replacements & Inventory Requirements.
- Supervisor Frank stated the EPA is asking for the Lead Service replacement by 2026. This is an engineering firm. Highway Supt. Ward stated he doesn't think we have any land services.
- F. An email dated February 15, 2023 by the NYS DOT Project Manager/Environmental Manager, Mark Jakubiak, concerning the High Speed Rail Empire Corridor Program and the Notice of Availability of Final Environmental Impact Statement.
- G. A letter dated February 15, 2023 from Supervisor Frank to NYS Environmental Facilities Corp. Finance Coordination and Credit Analyst, Katie Syron, concerning the Supplemental Certificate of Determination.
- H. A letter dated February 15, 2023 from NYS DOT Professional Engineer, Sarah Nowalk, concerning 2023 Water Quality Monitoring Requirements.
- Supervisor Frank stated we have given a copy to Scott Blais.
- I. A resolution dated February 15, 2023 from the Herkimer County Legislature concerning the Quakenbush properties be put back on the tax roll.
- Supervisor Frank stated the Quakenbush Property will be put back on the tax roll starting March 1st.
- J. A letter dated February 17, 2023 from Supervisor Frank to Empire State Development Corporation Mohawk Valley Regional Director, Michael Reese, concerning the East Herkimer Sewer District.
- Supervisor Frank stated we are asking for another extension but is unsure if we will get it.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Carbone, seconded by Councilman Stalteri to approve the Herkimer County Soil & Water Conservation District 2022 Annual Herkimer.

CARRIED AYES ALL

08) Resolutions.

09) Old Business.

Water District: Highway Superintendent Ken Ward stated we received two checks from Spohns totaling the estimated cost given for when they ran over the hydrant. This estimate was given to us back in October when the incident happened and since then the price has gone up \$244 for the hydrant. Councilman Kast suggested that we let Spohns know of the change and see what they say.

McKenna Road Enhancement Project: Supervisor Frank stated he has a conference call on Friday at 1:00 to get more information. He stated the DOH has had the plans since July and we are stilling waiting on a response. Supervisor Frank will find out the status of their review. He stated the cost is going to be more than our original cost but we can't go out to bid until the plans are approved. We need to be out for bid by July.

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

East Herkimer Sewer District: Attorney Bray stated he had a conversation with the comptroller's office and asked Jeff for assistance in what they were asking for. Jeff redid his calculations and we will have to set a new public hearing or have each business involved sign off consent on the updated costs. Attorney Bray stated he tracked down the package that was sent to Mr. Lahey and called the local branch manager because what was in the package was unrelated to what we are asking for. The Bank is checking with the back office to help get the information we are looking for to get this settled. Supervisor Frank stated he has a conference call tomorrow with the USDA.

East German Street Extension: Supervisor Frank stated we have a conference call tomorrow with both engineering firms, CEG and CT Male to get the scope of work and options of what needs to be done and the best way to do it. Then we can decide how to get funding. Councilman Stalteri stated the last survey report showed no movement.

Codes: Codes Enforcer Collis stated a machine shop business is looking to purchase the Function Better property located on Route 28. Collis stated he is unsure if this type of business falls within our zoning ordinance. Supervisor Frank asked what it is currently zoned and what it needs to be?

Collis replied stating it is in a commercial zone but that it might need to be industrial. He stated there is a similar business located in a commercial area currently within the town. Attorney Bray stated he believes this is more of a judgement call and stated we could ask them to do a special use permit if we feel it is necessary. Supervisor Frank stated his only concern would be the disposal of the waste. Councilman Carbone also suggested that we contact Newport to make sure they have had no issues with this business there.

Zoller Ave: Codes Enforcer Collis stated he is trying to get a hold of Mr. Hutton still to see if he will cooperate with us. Attorney Bray said nothing can be done right now until these issues are corrected.

Landbank: Nothing new to report.

Piper Road: Supervisor Frank stated you will see in the audit tonight our first bill that we will pay and then be reimbursed 75% for.

NYMIR Risk Control Resurvey Report: Tabled.

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Nothing new to report.

Cell Towers' and Town Zoning Ordinance: Tabled.

Updating Zoning Ordinance: Tabled.

ARRA Funding: Supervisor Frank stated he received an email today that the annual report is due by the end of April.

Town Park: Supervisor Frank stated that Councilman Stalteri and himself have set regular monthly meetings with Town Park Supervisor Kathi Nasypany on the 20th of each month at 10:00AM.

Fireworks: Councilman Carbone stated we are waiting for a meeting to be set with the College.

EPA Testing East Herkimer Water District: Highway Supt. Ward stated the samples had to be done last week and were sent out.

Negotiations with Teamsters: Supervisor Frank stated we will go into executive session for this at the end of the meeting.

160 Pine Grove Road: Supervisor Frank Phase II has been completed and that he has followed up with Mr. Piseck. He stated the samples take a couple of week so we should have the report soon. The preliminary results look promising.

Exercise Trail at Town Park: Supervisor Frank stated he has reached out to Healthnet but has not heard a response back yet. We have received quotes for the base and blackout. Councilman Stalteri stated we should think about landscaping and lighting around as well to make it look more presentable.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve moving forward with the walking exercise trail at the Town Park and explore landscaping options with our ARPA funding.

CARRIED AYES ALL

10) New Business.

11) Reports.

Motion by Councilman Carbone, seconded by Councilman Stalter to accept and place on file the Reclamation Bond for SunEast Watkins Road Solar LLC dated 1/31/23.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the NYS Building Standards & Codes Uniform Code Administration & Enforcement Report for 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Orders dated 2/11, 2/16 and 2/21 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for December, 2022 from Budget Officer Marcia Baylor.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Cash Report for December, 2022 from Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the DCO Report for January, 2023 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town Justices Reports for January, 2023 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the signed IT Contract with Brian Keeler.

CARRIED AYES ALL

There was not a Trail Balance Report or Revenue and Expense Report for this meeting.

11) Purchase orders and Audit.

There were no purchase orders for this meeting.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Audit dated February 21, 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 Carbone to go into executive session to discuss union negotiations.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to close executive session with no decisions made.

CARRIED AYES ALL

12) Adjourn.

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

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk