

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Wednesday, April 19, 2023, at 1:00PM telephonically and virtually.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilman-----Vito Carbone
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray

Excused: Councilman-----Randy Kast
Deputy Attorney-----Kyle Crandall
DCO Officer-----Erica Dunton
Town Park Supervisor-----Kathi Nasypany
Codes Enforcer-----Ken Collis

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 Carbone, to accept and place on file the minutes of the previous meeting held on April 3, 2023 as written.

CARRIED AYES ALL

05) Public Hearing.

Supervisor Frank stated we will table this public hearing on Local Law No. 1 of 2023 to extend term lengths. Attorney Bray agreed and advised we set a new public hearing for our next meeting. The board agreed.

06) 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.
Shanna Wainwright of East German Street Extension asked what the status was with the road. Councilman Stalteri stated where were at is continuing to have surveys done to check for movement, which there has been none. We are engaged with two consultants; one for funding and one for the best solution. Councilman Stalteri also stated we will be contacting the NY Power Authority about the amount of water released from the Hinkley Dame. We are hoping to set up a meeting with them and our consultant to help control when and how much water is being released and also to help with the cost. Ms. Wainwright also stated there is a new crack that has formed in the middle of her driveway. Highway Supt Ward stated he will drive over and take a look at it. Ms. Wainwright stated she would like some sort of time frame for a resolution? She stated she has children in school and don't want to have to have them switch schools during the school year. She stated all three of the homes in question are in agreement that they want to be bought out. She also stated we feel trapped especially with the prices of houses that have gone up so much and being able to even find one and because they would never be able sell their homes. Councilman Stalteri advised that all of the residents involved write a letter to the Town Board saying such. He stated having it in writing gives the board more to work with. Councilman Stalteri also stated he will call the engineer after the meeting and make them aware of the current issues. Supervisor Frank stated we were advised to get our stated and federal elected officials to look at this issue and provide us with help and we will do so. Ms. Wainwright also wanted to make the board aware that the debris that has been stuck under the bridge is gone now. Highway Supt. Ward stated he noticed that as well.

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

CARRIED AYES ALL

07) Petitions and Communications.

Motion by Councilman Carbone, seconded by Councilman Stalteri, to accept and place on file all the petitions and communications 7A through E listed below.

- A. A letter dated April 5, 2023, regarding the routine inspections of the East Herkimer Water District Public Water System, and the Herkimer Water District Highland Ave pump station. Highway Supt. Ward stated this letter reiterates what we are working on.
- B. A letter dated April 10, 2023 from the Herkimer County Industrial Development Agency, regarding an amendment to the Uniform Tax Exemption Policy.
- C. A letter dated April 11, 2023 from Town of Herkimer Supervisor Frank, to the Northern Border Regional Commission Administration, regarding the East Herkimer Sewer District Project.
- D. A letter dated April 12, 2023 from Supervisor Frank to Thomas Bernier congratulating him on his retirement from the Town of Herkimer Highway Department.
- E. A letter dated April 14, 2023 from Charter Communications from Director of Government Affairs, Alice J. Kim concerning upcoming changes.

CARRIED AYES ALL

07) Routing.**08) Resolutions.**

Motion by Councilman Stalteri, seconded Councilman Carbone to accept, place on file, approve the budget transfer. Supervisor Frank stated this is to cover contractual for when our various boards meeting and get paid as a stipe in.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded Councilman Kast to table Resolution No. 14 of 2023 for Adopting Local Law No. 1 of 2023.

TABLED

Motion by Councilman Carbone, seconded Councilman Stalteri to accept, place on file and approve Resolution No. 15 of 2023 to Schedule a Public Hearing for the East Herkimer Sewer District. Attorney Bray stated this language has been approved by the State Comptroller to be more specific for the cost of the users.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded Councilman Carbone to accept, place on file and approve the Resolution No. 16 of 2023 to Request an Extension from the Northern Border Regional Commission.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded Councilman Carbone to accept, place on file and approve the Resolution No. 17 of 2023 to Schedule a Public Hearing for Local Law No. 1 of 2023.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Supt. Ward stated we had some complaints of low pressure up in East Herkimer. He went out and listened for leaks but didn't find any. He stated it happened when the Village had the break on Washington Street. He reached out to the Village an expressed this concern and now it is back to normal. Supervisor Frank stated he would like to mention is that there has been word of the Village increasing their rates significantly with a projected increase for water of 26% and sewer of 23%. He stated he will reach out to Mayor Sherry to get exact number so we can be prepared for this change.

Mckennan Road Enhancement Project: Supervisor Frank stated the funding needs an extension from the EFC. We have submitted everything and are still waiting for a response.
West Herkimer Water: Supervisor Frank stated he has nothing new to report.

East Herkimer Sewer District: Attorney Bray stated in regards to the Lahey property he has been in direct conversation with the bank. The bank had requested four items; 1. A fee of \$250 with the request, 2. \$500 appraisal of the home, 3. A letter of instruction requesting the release and 4. a purchase agreement. He stated he has been in contact with Mr. Lahey and the letter has already been drafted of instructions but we are just waiting for him to sign it and get it back to us. Supervisor Frank stated he is working with the USDA to get our application complete.

East German Street Extension: Supervisor Frank stated this has been previously discussed. Attorney Bray stated he has done some digging to see if you had any connections at the power authority but was unsuccessful. He will schedule a meeting for us to meeting with them and our engineers.

Codes:

Landbank: Supervisor Frank stated he has nothing new to report. Councilman Stalteri stated the start date has been delayed because they are waiting for the funds to be releases. The first two modular homes are built.

Zoller Ave: Supervisor Frank stated he has nothing new to report.

Piper Road: Supervisor Frank stated the fieldwork has been done and we are just waiting for the report.

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 are still waiting on some things before a building permit can be sent out.

Cell Towers' and Town Zoning Ordinance: Tabled.

Updating Zoning Ordinance: Tabled.

ARPA Funding: Supervisor Frank stated we will need to bring in the \$19K of funding that we have received from our local legislators.

Town Park: Supervisor Frank stated we have some purchase orders tonight from Town Park Supervisor Kathi Nasypany for the Farmers Market.

Fireworks: Clerk DeMetro stated we are trying to set up another meeting.

EPA Testing East Herkimer Water District: Supervisor Frank stated we were sent a note that we will be getting the other testing kits delivered soon.

Negotiations with Teamsters: Councilman Stalteri stated are waiting on the 2026 insurance costs. 160 Pine Grove Road: Councilman Stalteri stated we are securely locked now. Cameras are up but still need to be wired. Councilman Stalteri also stated he will be getting the flags up. He stated the boiler looks good but we won't know until we start it up. Supervisor Frank stated the building is also insured as well now.

Supervisor Frank stated he had a meeting with Councilman Stalteri and Park Supervisor Nasypany and everything is moving right along. We have eight or nine vendors lined up and are working on getting food trucks there. We have started the conversation of a summer youth program again. We are also looking at having some basketball camps this summer. Councilman Stalteri stated he is working with the Softball organization in regards to purchasing and splitting of cost of a shed for their equipment. It will need to be on a slab, with water and electric access. Highway Supt. stated we had the parking lots sealed at the end of last year and they haven't been used but it is already deteriorating. He spoke to the Macri's who did the work and they will be coming to do it again. They said they used a new brand last year that didn't work as well.

Supervisor Frank stated Councilman Stalteri and himself met with the group that we will be working with to repurpose the old school. They will be generating a flyer that will be sent to all taxpayers of the Town of Herkimer. Once we receive the surveys we will go over them and decided what we want to do.

Exercise Trail at Town Park: Supervisor Frank stated we are working on getting more quotes.

Herkimer County Mitigation Plan: Supervisor Frank asked the board to review the forms listed below and to let him know of any changes they would like. He stated he needs it by Monday for that is when he is meeting with the County.

- Hazard Risk Ranking:
- Capability Assessment:

10) New Business.

Monitoring Policy Homes and community Renewal dated April 17, 2023: Supervisor Frank stated annually we have to report to the homes program for the homes that have rehabilitated and we need a policy on how we are monitoring them. The board reviewed the policy.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve the Monitoring Policy Homes and Community Renewal dated April 17, 2023.

CARRIED AYES ALL

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for February, 2023 from Marcia Baylor.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Fully Executed Grant Disbursement Agreement from DASNY. Supervisor Frank stated this is the fifty thousand of funding we received from Assemblyman Smullen.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated 4/7, 4/12, and 4/17 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Declaration dated April 5, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the West Canada Creek Landslide Prevention Scoping Project Quarterly Progress Report.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Asset Management Home LPA SHARS Report for 2022-2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Northern Border Regional Commission Progress Report.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated April 16, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated April 16, 2023.

CARRIED AYES ALL

Supervisor Frank stated Jason from Ti-Sales presented an up and coming water software to Ken Ward, Jodi Rivers and myself. He stated there is a lot to offer with it but it is the consensus that this is not needed at this time for us since we only have 400 water customers.

Councilman Stalteri stated he is working with the judges to schedule the annual audit as well.

11) Purchase orders and Audit.

There are no purchase orders for this meetings.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Audit dated April 17, 2023. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Stalteri, 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, May 1st, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk.