

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, May 15, 2023, at 6:30PM at the Town Hall located at 114 N. Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present:

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

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 May 1, 2023 as written.

CARRIED AYES ALL

05) Public Hearing.

Supervisor Frank stated we will table this public hearing on the proposed increase of water/sewer rates in the Town of Herkimer. He stated if anyone from the public would like to speak relative to the proposed increase of water/sewer rates, to please state their name, address and let us know your thoughts.

Greg Malta of 309 Third Ave. in Herkimer stated he would like to comment that he thinks the increase is too high for one year. He recommends that we do half of the increase this year and the other half next year. He stated he will be making this recommendation to the Village as well. Codes Enforcer Collis asked what the proposed increases are? Supervisor Frank stated the proposed increase for water is 15% and 18% for sewer. He stated these are so we can keep our billing consistent with the Village as they are who we purchase water from.

Motion by Councilman Carbone, seconded by Councilman Stalteri to close the public hearing on the proposed increase of water/sewer rates.

CARRIED AYES ALL

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.

Motion by Councilman Stalteri, seconded by Councilman Kast 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 F listed below.

- A. A letter dated April 17, 2023 from Herkimer County Treasurer Kimberlee Enea concerning the Herkimer County Sales Tax Apportionment Summary for 2023 Quarter 1 based on the 2022 Tax Roll.
- B. A letter dated April 26, 2023 from Herkimer County Department of Budget Officer and Purchasing Agent, Sheri Ferdula, concerning documentation required for the spending of ARPA funds.

- C. A letter dated May 2, 2023 from NYSDOT Acting Director, Dawn Arnold, concerning the next quarterly SFY 2023 CHIPS, PAVE-NY, EWR and POP reimbursements. Supervisor Frank stated the State has passed their budget and subsequently we have the CHIP's budget.
- D. A letter dated May 2, 2023 from NYS Agriculture and Markets Animal Health Inspector, Makayla Kemmeren, concerning the Dog Control Officer Inspection Report completed on 4/24/23 was rated satisfactory.
- E. A certificate of liability insurance dated 5/11/23 for Central New York Construction Inc. effective 5/16/23 through 5/16/24.
- F. A letter dated May 11, 2023 from resident William Penree expressing his interest in engaging in negotiations with the Town of Herkimer regarding a potential buyout of his home.
- Supervisor Frank stated we have received the letter from resident Bill Penree expressing his interest pf the Town purchasing his home.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the routed Geotechnical Evaluation West Canada Creek Landslide Prevention Scoping Project dated 5/5/23.

CARRIED AYES ALL

08) Resolutions.

Motion by Councilman Stalteri, seconded Councilman Kast to table the Budget Amendment.

TABLED

Supervisor Frank stated that during the water/sewer committee meeting they reviewed the rate schedule and it was recommended that all minimum rates also be increased the same percent as the rest. He recommends that all proposed rates be increased and we will hold another public hearing to increase the minimum rates as well. Attorney Bray will draft another resolution for a public hearing on the proposed raise of minimum rates.

Motion by Councilman Carbone, seconded Councilman Kast to accept, place on file and approve the Resolution No. 21 of 2023 to establish the new water/sewer rates for the Town of Herkimer.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve Resolution No. 22 of 2023 for the establishment of the East Herkimer Sewer District. Attorney Bray stated this is to amend the last resolution adding the permissive referendum. The thirty days starts today.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded Councilman Kast to accept, place on file and approve the Resolution No. 23 of 2023 to set a public hearing to establish new minimum water and sewer rates be raised. The public hearing will be for our next regular meeting scheduled for June 5th.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Supt. Ward stated we did patch a hole on Palisades Street from the water break we had bake in December.

Mckennan Road Enhancement Project: Supervisor Frank stated we are waiting for the State to extend the project funding that expires in September of this year till the end of next year. We have submitted everything but haven't heard back yet.

West Herkimer Water: nothing new to report.

East Herkimer Sewer District: Attorney Bray stated in regards to the Lahey property he heard back from the bank that they have scheduled an appraisal for today so we should have this information back to us soon. This should be cleared and then we can close.

East German Street Extension: Supervisor Frank stated there is a report later on in our agenda.

Codes: Codes Enforcer Collis stated there has been some problems with Entwistles place at 936 Steuben Hill Road. He was there and spoke to a man about getting the property cleaned up. The neighbors are very upset about the amount of people living there that are coming and going. There are also two dogs there that are viscous. Clerk DeMetro will check to see if they are licensed or not. Councilman Stalteri asked if any formal citations have been issued? Collis replied stating no, only verbal warnings so far. Collis stated another property that he has been getting complaints about homeless people living in is 104 Zoller Ave. He stated again the owner had passed away and squatters have moved in. He spoke to the state troopers and nothing can be done. The County doesn't take possessive of these properties until this fall. He stated he has put up condemned signs but the people just tear them down. Supervisor Frank stated take action if possible. Attorney Bray stated we need to be careful of an illegal eviction because this is a civil matter not criminal. The last place that Collis has been receiving complaints on is the old County Home. He spoke to the owner and was told who they were renting it to left it a mess with windows broken, doors left open all winter. There was over \$10,000 in damage but they will have it taken care of in June.

Landbank: Supervisor Frank stated the Landbank owes water money for 160 Main Road. They have processes a payment for the amount of the previous water bill that went out without the late fees. They are asking for the fees to be waived again. Councilman Stalteri stated it is not just to the rest of our residents to continue to waive the late fees. The board agrees. Motion by Councilman Stalteri, seconded by Councilman Kast to decline the request to waive the late fees.

CARRIED AYES ALL

Zoller Ave: Attorney Bray stated he spoke to Jim Hutton who is one of the individuals who previously owned the property and he has agreed to sign off. He will also talk to Mary Pritcher who is currently living in Florida about the situation to see if she can sign off as well. Once this is done we can clear the title and close on the property.

Piper Road: Supervisor Frank stated we have a geotechnical report for solutions on Piper Road and the Main Road cement barriers. He stated some of us met with the County's consultant to go over the mitigation plan. One of the things we talked about was Piper Road. He stated he sent the consultant the report so it will be in our plan. The consultant also asked for the mitigation plan by C.T. Male for the West Canada Creek, so we are working on getting that to her as well. The consultant will put our ideas together and then give it to us for review.

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

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Tabled.

Cell Towers' and Town Zoning Ordinance: Tabled.

Updating Zoning Ordinance: Tabled.

ARPA Funding: Supervisor Frank stated we will discuss this in reports.

Fireworks: Clerk DeMetro stated we have nothing new to report and that we are waiting for more sponsors to come in.

EPA Testing East Herkimer Water District: Highway Supt. Ward stated the samples went out last week.

Negotiations with Teamsters: Highway Supt. Ward stated we are just waiting on the insurance rate for 2026 and that we should have them at the beginning of next months.

160 Pine Grove Road: Councilman Stalteri stated the Fire Alarm System should be in within a couple of weeks. The highway has cleaned up the property and drilled the holes for the cameras. Supervisor Frank stated with concerns of squatters we should do a walkthrough of the building once a week. Councilman Stalteri and Councilman Kast will do so.

Exercise Trail at Town Park: Supervisor Frank stated we will discuss this in reports.

Herkimer County Mitigation Plan: Supervisor Frank stated we have previously discussed this.

10) New Business.

Supervisor Frank stated he met via zoom with J. O'Connell & Associates and they have provided us with a proposal for grant writing. He stated we need a consultant to look for funding for East German Street Extension and 160 Pine Grove Road. He met with them to discuss what we want to accomplish and thinks this would be a great resource for us. The proposed contract is either annually or for two years. He stated he spoke to another grant writer as well and get more details from her tomorrow. He stated he doesn't care who we go with but thinks it is important to get one. As he gets more details he will continue to update the board.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Herkimer Town Park Improvements Proposal from Barton&Loguidice.
Supervisor Frank stated this is one of the proposals we received for landscaping of the park trail.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Herkimer Town Park Improvements Proposal from Weston&Sampson.
Supervisor Frank stated this is the second landscaping proposal.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the NFC Grant Application submission received 5/5/23.
Supervisor Frank stated we have not heard back yet.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the State of Emergency declared by the Herkimer County Legislature concerning housing crisis.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the East German Street Plate Data Report.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Water & Sewer Meeting Minutes dated 5/8/23.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file the Updated Survey for the Former East Herkimer Elementary School.
Supervisor Frank stated the survey came out last week and some glitches arose but have been taken care off. There was one question with an option for a library. We took out that options as we do not want to contribute to any conflict.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file the Executed Agreement to Support Municipal Pool Program.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Renewal State of Emergency Declaration dated 5/2/23 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Orders dated 5/2, 5/7 and 5/12 for East German Street Extension.

CARRIED AYES ALL

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

Councilman Stalteri stated the audit for the court is scheduled for the 1st week of June.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated May 14, 2023.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated May 14, 2023.

CARRIED AYES ALL

Supervisor Frank stated the billboard for the farmers' market goes up next week. Kathi got a certification so they can process subsidies. Supervisor Frank stated Councilman Stalteri and himself met with Kathi Nasypany relative to the farmer's market and we are up to thirteen vendors and one food vendor. He stated Kathi will mark out the locations for the vendors and there will be a water hose available if they need it. One vender need electric so there will be a power source to the pavilion. He stated during our meeting we emphasized that we make sure the County knows we want people from the youth program this summer. If there are students who want to work the park, Kathi will be in charge of making sure there is various tasks to be done around the park in the event there isn't any children there. A task sheet will be given.

Attorney Bray stated he attended the Wadas press conference and they announced they will be having a game changer grant available that is up to \$250,000 for a transformative project.

Highway Supt. Ward stated we received the new excavator and handed out an extended warranty for the board to review. He stated we have a year to decide if we would like to do this or not. He stated we no longer need the backhoe and would like to see it. Councilman Kast stated he believes it belongs to the water district and he doesn't see a reason for keeping it.

Motion by Councilman Stalteri, seconded by Councilman Kast to allow Highway Supt. Ward put the backhoe up for auction.

CARRIED AYES ALL

11) Purchase orders and Audit.

There are no purchase orders for this meetings.

Highway Supt. Ward stated the State passed their budget and we now have all the numbers. He stated with his 284 Form you will see there will still be \$83,200 to roll over till next year.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file and approve the 284 Agreement.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Audit dated May 15, 2023.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to go into executive session to discuss negotiations.

CARRIES AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to award Barton & Loguidice the contract for design services for the exercise trail at the Town Park as described I their proposal of 4/3/2023 and to have Supervisor Frank execute the contract.

CARRIED AYES ALL

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, June 5th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk