

01) Supervisor Frank called to order the **Organizational Meeting** of the Town Board of Herkimer held on Monday, January 3rd, 2022, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

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

Excused: Deputy Attorney-----Kyle Crandall

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

04) Swearing in Ceremony.
Justice Karl Manne swore all elected officials whose terms began on January 1, 2022.

05) Reading of the Minutes.
Motion by Councilman Carbone, seconded by Councilwoman Penree, to accept and place on file the minutes of the previous meeting held on December 20th, 2021 as written.

CARRIED AYES ALL

06) Public Meeting.
Supervisor Frank stated he would like to start the meeting with wishing a Happy New Year to everyone. Supervisor Frank stated if anyone would like to address the board to please state you name, address, and tell us why you are here.
No one from the public wished to speak.

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

CARRIED AYES ALL

07) Petitions and Communications.
Motion by Councilwoman Penree, seconded by Councilman Carbone, to accept and place on file all the petitions and communications 6A through G listed below.

- A. An announcement made December 22, 2021 by Governor Kathy Hochul concerning the NYS Homeowner Assistance Fund.
- B. A letter dated December 27, 2021 from Supervisor Frank to David McManus thanking him for his service to Town and noting his eligibility to purchase medical insurance under COBRA.
- C. A letter dated December 30, 2021 from the Wladis Law Firm concerning the approval for extension for the SunEast Watkins Road Solar Project.
- D. A letter dated December 30, 2021 from Clerk DeMetro to USDA Rural Development Loan Specialist, Alan Gregory, concerning a formal authorization for Supervisor Frank to certify, sign and submit the application for funding to the USDA Rural Development.
- E. Letters dated December 30, 2021 from Supervisor Frank to Brian Riesel and Kenneth Miller, congratulating them as being hired as seasonal employees for the Highway Department.
- F. A letter dated December 30, 2021 from Supervisor Frank to Ken Ward congratulating him on his successful election as Highway Superintendent beginning January 1, 2022.
- G. A notice from the NYS Urban Forestry Council announcing available grant funding for communities to hold an Arbor Day tree planting event for Spring, 2022.

CARRIED AYES ALL

08) Resolutions.

Supervisor Frank stated he is appointing Councilman Daniel Stalteri as Deputy Supervisor.

Motion by Councilman Carbone, seconded by Councilwoman Penree to approve Resolution No. 1 of 2022 - Banking Resolution Authorizing Supervisor Frank and Deputy Supervisor Stalteri to handle banking responsibilities in 2022, upon signature filing, with M&T Bank, Adirondack Bank and NBT Bank.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve Resolution No. 2 of 2022- Town of Herkimer Official Undertaking of Municipal Officers.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to approve Resolution No. 3 of 2022- Town of Herkimer Code of Ethics/Conflict of Interest form.
Clerk DeMetro reminded everyone to fill out their conflict-of-interest forms and return them to back to her.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to approve Resolution No. 4 of 2022- Town of Herkimer Civility Code.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to approve Resolution No. 5 of 2022- Fixed Salary Resolution - Town of Herkimer salaries/salary schedule is attached.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to approve Resolution No. 6 of 2022- Mileage Resolution -Setting mileage reimbursement per IRS reimbursement standard.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to approve Resolution No. 7 of 2022- Meeting Resolution -Setting Town Board meeting schedule.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Superintendent Ken Ward stated he spoke with Valley Health and they will be getting the issue fixed within the next week or so. The next reading will be for the end of January.

Mckennan Road Enhancement Project: Supervisor Frank stated we will need to go into executive session later to discuss litigation.

West Herkimer Water:

East Herkimer Sewer District: Supervisor Frank stated we will also need to go into executive session later to discuss litigation this as well.

Steuben Hill Road:

Codes: Codes Enforcer Collis stated he removed tenants from the apartment with the dogs at Rubino's on December 12th. He stated we will be shutting them down completely within the next week or two.

Landbank: Supervisor Frank stated he sent an email to both Mayor Netti and trustee Max, as well as left a phone message for the Mayor and he has not heard anything back.

SunEast Solar Project: Supervisor Frank stated we received correspondence that shows the application was granted the extension they requested.

NYMIIR Risk Control Resurvey Report:

Subdivision Local Law: Tabled.

Cell Towers' and Town Zoning Ordinance: Tabled.

AOT Designation of Delegate: Supervisor Frank suggested that we table this. Clerk DeMetro stated we just need to respond by February 4th.

Assessment Review Board Member: Councilwoman Penree stated that she has someone in mind and will reach out to them and get back to us.

Restrooms: Supervisor Frank stated we are having repairs done to get the restrooms up and working properly. We have hired Shamrock to do the work. Supervisor Frank stated we have a BAN we took out for the purchase of Arthur Street and now that we are no longer purchasing this property he has directed some of that allocation towards these costs. He also stated the rugs have been badly damaged due to these issues as well and we will look into getting them replaced.

10) New Business.

Appointments for 2022:

Motion by Councilwoman Penree, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Dominic Frank be appointed as the Town of Herkimer Water Superintendent for a two-year term, 01/01/22 to 12/31/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Jodi Rivers be re-appointed as the Town of Herkimer Water Clerk for a one-year term, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Clerk DeMetro stated Water Clerk Jodi Rivers would like to appoint Deb Wright and herself (Jennifer DeMetro) as her deputies.

Motion by Councilwoman Penree, seconded by Councilman Stalteri, upon the recommendation of Water Clerk Jodi Rivers to re-appoint Clerk DeMetro and Deb Wright as the Town of Herkimer Deputy Water Clerks for a one-year term, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Clerk DeMetro stated Receiver of Taxes Jodi Rivers would like to appoint Deb Wright and herself (Jennifer DeMetro) as her deputies.

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of Receiver of Taxes Jodi Rivers to re-appoint Clerk DeMetro and Deb Wright as the Town of Herkimer Deputy Receiver of Taxes for a one-year term, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Clerk DeMetro stated she would like to re-appoint Jodi Rivers and Danielle Beach as her Deputy Town Clerks for a one-year term, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to re-appoint Jennifer DeMetro as the Registrar of Vital Statistic for a two-year term, 01/01/22 to 12/31/23.

CARRIED AYES ALL

Clerk DeMetro stated she would like to re-appoint Jodi Rivers and Danielle Beach as her Deputy Registrars of Vital Statistics for a one-year term, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to re-appoint Jennifer DeMetro as the Town Records Management Officer for a two-year term, 01/01/22 to 12/31/23.

CARRIED AYES ALL

Supervisor Frank recommended that we table the Town Park Supervisor appointment for now for a one-year term, 01/01/22 to 12/31/22.

TABLED

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Christopher Bray be appointed as the Town Attorney for a two-year term, 01/01/22 to 12/31/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Kyle Crandall be appointed as the Deputy Town Attorney for a one-year term, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Supervisor Frank stated he will be re-appointing Amanda Viscomi as the Town of Herkimer Bookkeeper for a one-year term, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Supervisor Frank stated he will be re-appointing Marcia Baylor as the Town of Herkimer Budget Officer for a one-year term, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Kenneth Collis be re-appointed as the Codes Enforcer for the Town and Village of Herkimer for a two-year term contingent on contract, 01/01/22 to 12/31/23.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Erica Dunton be appointed as the Dog Control Officer for the Town and Village of Herkimer for a one-year term contingent on contract, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast, upon the recommendation of the Herkimer Town Board, that James Greiner be appointed as the Town Historian for the Town and Village of Herkimer for a two-year term, 01/01/22 to 12/31/23.

CARRIED AYES ALL

Supervisor Frank recommended that we table the appointment for the Health Officer. He will follow-up with Dr. Decarlo to see if he would still be willing to do this for us for a two-year term, 01/01/2022 to 12/31/2023.

TABLED

Motion by Councilman Stalteri, seconded by Councilman Kast, upon the recommendation of the Herkimer Town Board, that Fred Wheeler be re-appointed as the Town of Herkimer Planning Board Member for a five-year term, 01/01/22 to 12/31/26.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Clayton Predrick be re-appointed as the Town of Herkimer Zoning Board of Appeals Member for a five-year term, 01/01/22 to 12/31/26.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Jennifer DeMetro be re-appointed as the Town of Herkimer Fair Housing Officer for a one-year term, 01/01/22 to 12/31/22.

CARRIED AYES ALL

Supervisor Frank recommended that we table the Town of Herkimer Town Computer Technician appointment until we confirm if Brian Keeler would like to continue his contract for a one-year term, 01/01/21 to 12/31/21.

TABLED

Motion by Councilwoman Penree, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Town Employees seminar/training reimbursement be acceptable with board approval.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that TimesTelegram be named as the Official Town Newspaper for the Town of Herkimer.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that the Town of Herkimer fee schedule be accepted, placed on file and approved for 2022.

CARRIED AYES ALL

11) Reports.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Town Clerks Report for December, 2021 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the 2021 Annual Town Clerks Report from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Planning Board Meeting Minutes dated December 29, 2021.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman Penree to accept and place on file the Planning Board Chairman letter of recommendation for 220 Main Road.

Supervisor Frank stated this is the results of the December 29, 2021 Planning Board Meeting where we had asked them to review and make a recommendation on the Special Authorization Application. Supervisor stated he understands their concern as to how we should proceed in the future but he believes the Town Board still has the authority to approve the application anyways. Attorney Bray agreed and stated his only concern is that the letter of recommendation may not be specific enough. David Darzinski of the Landbank stated he believes the letter explains the planning board's recommendation but it is just a recommendation and that the town board has the final decision of approval. Attorney Bray agreed and advised the board to set a public hearing on this for the next meeting on January 18th at 6:05 PM to see the public opinion on the matter. The board agreed.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman Penree to set the Public Hearing on January 18th at 6:05 PM for the matter of granting a Special Authorization Permit for 220 Main Road.

CARRIED AYES ALL

Supervisor Frank stated we still need to have the 2022 budget put into KVS so we will not have the Trial Balance or Revenue and Expense Reports for this meeting.

11) Purchase orders and Audit.

There were no purchase orders.

Motion by Councilman Stateri, seconded by Councilman Carbone to approve the Audit dated January 3, 2022.

Supervisor Frank stated we will have two audits for our next meeting; one to close out 2021 bills and one for the 2022 bills thus far.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman Penree to go into executive session to discuss litigation and personnel matters.

CARRIED AYES ALL

Motion by Councilman Stateri and second by Councilwoman Penree to close executive session and reopen the regular meeting of the Town of Herkimer with no decisions were made in Executive Session.

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 Regular Meeting to be held on Tuesday, January 18th, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk.