

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, January 18th, 2022, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present:

Supervisor-----Dominic Frank
 Councilman-----Daniel Stalteri
 Councilwoman-----Kathy Penree
 Highway Supt.-----Ken Ward
 Attorney-----Christopher Bray

Excused:

Councilman-----Randy Kast
 Councilman-----Vito Carbone
 Deputy Attorney-----Kyle Crandall
 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 Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file the minutes of the previous meeting held on December 30th, 2021 as written.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file the minutes of the previous meeting held on January 3rd, 2022 as written.

CARRIED AYES ALL

05) Public Hearing.

Supervisor Frank stated this is a public hearing on the Special Authorization Application for The Park@220 Main Road. Terry McClouskey of 230 Main Road asked when the project is going to start? She stated she thought this project was supposed to start a year or two ago. She stated she want the fence put up so she doesn't have to look at the mess. Two trailers were condemned over a year ago but have still not been taken out. David Dardzinski, of 4SITE Consulting LLC, stated the Landbank is waiting for the funds to be released from the NYS Renewal Fund. Once this happens the condemned trailers will be removed and they have in the plans to put a six fence up as well. Dave McClouskey asked if the trees will be taken down? Mr. Dardzinski stated that some of them are but not all and they can look at the plans on file in the town office to see which ones are and are not going to be taken down. He stated another thing they are waiting for is the DEC to verify that this project is ok to continue since there was an eagles nest found in one of trees at this location. He stated they are working on getting everything done that was requested in order to get the funds released. He stated the funds for 1.9 million have been approved for this project but they will not release the funds until we do everything they ask and we are working on it. He stated they cannot do any work until the funds are available because they will not be reimbursed by the funding source if they do it prior to the release of the funds. Councilman Stalteri stated the Landbank tried to get the fence put up but they do not have the funding to do so until these funds are released. He stated tonight is a big step in moving forward in this process.

Motion Councilwoman Penree, seconded by Councilman Stalteri to close the public hearing for the Special Authorization Application for The Park@220 Main Road.

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.
Legislator Bob Schrader stated he would like to know where you are with the process of the dog control local law? Councilman Stalteri stated we passed it last month. Mr. Schrader thanked the

Town for getting this down. He suggested sending a copy of it to landlords so they will understand that they are going to be held liable for this now. Councilwoman Penree stated she doesn't think we should set a persistent of this that when we pass a local law that we would need to identify what market this local law applies to and if we do it for this one than others ones would expect the same or hold it against us for not doing so. Councilman Stalteri stated we are identifying people who are ultimately going to go after and if we choose to notify them we would have to discuss this with legal first so it doesn't come back on us, as well as our board so we are all on the same page with this.

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 Stalteri, to accept and place on file all the petitions and communications 6A through K listed below.

- A. A letter dated January 4, 2022 from Attorney John T. Refermat concerning Herkimer Management versus the Town of Herkimer.
- B. A letter dated January 5, 2022 to Supervisor Frank from Chief Administrative Judge, Lawrence K. Marks, concerning the year ending in 2021 court audit.
- C. A letter dated January 6, 2022 from NYS Department of State Building Standards & Codes Oversight Unit Codes Compliance Specialist, Ronald Stark, concerning a Notice of Determination of Discontinuance.
- D. A letter dated January 6, 2022 from Supervisor Frank to all of the water customers of the Town of Herkimer concerning the COVID-19 State if Emergency.
- E. A letter dated January 7, 2022 from the NYS DOT Assistance Director of Local Programs Bureau, Dawn Arnold, concerning the next quarterly 2021-22 Apportionment balance for CHIPS, PAVE-NY, and EWR reimbursements.
- F. A letter dated January 7, 2022 from NYS Division of Building Standards and Codes Oversight Unit, Ronald Stark, concerning the Annual Report of Code Enforcement Activities for the Town of Herkimer.
- G. A letter dated January 10, 2022 from Supervisor Frank to Secretary of the NYS Public Service Commission, Michelle Phillips, regarding issuing a moratorium on Utility Service Terminations and Disconnections of Residential and Small Business Customers during the COVID-19 State of Emergency.
- H. A letter dated January 11, 2022 from the Herkimer County IDA Executive Director, John J. Piseck, concerning Notice of Public Hearing of the Herkimer County Industrial Development Agency Proposed Nathan Galinsky Apartments Preservation LLC Project.
- I. A letter dated January 12, 2022 from Herkimer County Personnel Officer, Steven Billings, concerning the 2021 annual report of the former Herkimer County Self-Insured Workers' Compensation Plan.
- J. A letter dated January 13, 2022 to Supervisor Frank from Justice Petucci concerning the Herkimer Town Court Audit.
- K. A letter dated January 14, 2022 from Supervisor Frank congratulating Richard Kast who has been hired as a Town Highway Department employee.

CARRIED AYES ALL

08) Resolutions.

Attorney Bray stated Assessor Maxwell asked for the Town Board to pass this resolution for senior citizens. This resolution would make it so those who are receiving the senior exemption would not need to come in and show proof every year. He stated this is how the state has been doing it due to covid restrictions and is helpful for the elderly who are not going out as often. This would also give Maxwell the authority to request more supporting information if he felt it was necessary.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to approve Resolution No. 8 of 2022- to Direct the Assessor to Grant Exemptions.

A roll call was taken by Clerk DeMetro as follows.

Roll Call:	<u>Aye</u>	<u>No</u>	<u>Absent</u>
Supervisor Frank	X		
Councilman Stalteri	X		
Councilman Kast			X
Councilman Carbone			X
Councilwoman Penree	X		
Total:	3	0	2

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to approve all eight transfers recommended by Supervisor Frank.

Supervisor Frank stated these are to make accounts even for the year end of 2021.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Superintendent Ken Ward stated everything is wrapped up with Valley Health. They fixed the valve. Supervisor Frank stated we averaged nine quarters for them to pay for the two quarters that were incorrect.

Ken Ward also stated he was advised by one of the salesman from one of our accounts that if we need pipe to order it now because they are very behind and aren't expecting shipments ordered now to be in till June or July. Supervisor Frank stated we should further look into this to prepare and possibly purchase some before prices rise again.

McKenna Road Enhancement Project: Supervisor Frank stated we have the easements in order. Attorney Bray stated the Simpsons still need to sign on more thing and the Hazelwoods agreed to sign off as well, so we just need to get all of their signatures. He will work to do so. Supervisor Frank asked for an update on the contract. He stated we need the contract in order to apply for more funding. We are not able to do so without one. Attorney Bray stated he asked the questions needed from Highway Superintendent Ward and now he will finish up the final draft for Supervisor Frank and Ken Ward to review. After they review it he will send it on to the Village attorney.

West Herkimer Water: Supervisor Frank stated we will see our first bill from our consultant engineer in tonight's audit.

East Herkimer Sewer District: Attorney Bray stated the only hold up is the Layhe property. He stated he has been trying to get into contact with him again but has been unsuccessful. He is unaware of any relatives he may have and the person who was on the deed with him, has since passed. He will continue to do some digging on this. He also stated the State Comptroller has everything and is all good, we are just waiting to hear back from him.

Steuben Hill Road:

Codes:

Landbank:

SunEast Solar Project:

NYMIR Risk Control Resurvey Report:

Subdivision Local Law: Tabled.

Cell Towers' and Town Zoning Ordinance: Tabled.

AOI Designation of Delegate: Supervisor Frank stated the trainings and meeting have been changed to virtual so he will be attending and would be honored to be the delegate again this year.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to appoint Supervisor Frank as our delegate and Justice Manne as our alternate for the AOT Meeting.

CARRIED AYES ALL

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

Appointments for 2022:

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. Supervisor Frank stated we still need a job description for this.

TABLED

Supervisor Frank stated he spoke to Dr. DeCarlo and he happy to be reappointed as our Health Officer. Motion by Councilman Stalteri, seconded by Councilwoman Penree upon the recommendation of the Town Board, that Dr. DeCarlo be re-appointed as the Town of Herkimer Health Officer for a two-year term, 01/01/2022 to 12/31/2023.

CARRIED AYES ALL

Supervisor Frank stated Brain Keeler agreed to continue as our Computer Technician. Motion by Motion by Councilwoman Penree, seconded by Councilman Stalteri upon the recommendation of the Town Board, that Brain Keeler be re-appointed as the Town of Herkimer Computer Technician for a one-year term, 01/01/2022 to 12/31/2022. Supervisor Frank also stated his contract includes security and camera services.

CARRIED AYES ALL

10) New Business.

Public Notice for applying to the USDA: Supervisor Frank stated we need to put a notice in the paper stating that we are applying for USDA funding for the East Herkimer Sewer Project.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to file the application and notify the public as such.

CARRIED AYES ALL

Special Authorization Application for the Park at 220 Main Road:

Motion by Councilman Stalteri, seconded Councilwoman Penree to approve the Greater Mohawk Valley Landbanks LLC's special authorization application in accordance with the plans presented by Mr. Dardzinski of 4SITE Consulting LLC to the Town Board on December 6, 2021 and to the Planning Board on December 29, 2021 for the Park@220 Main Road.

CARRIED AYES ALL

11) Reports.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Performance Progress Report for the Northern Board Regional Commission.

Supervisor Frank stated this is a progress report that we do quarterly.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the signed Contract with Brian Keeler for IT Services, security system and cameras.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Towns Justices Reports for December, 2021 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Trail Balance Report dated January 18, 2022 for end of year 2021.

TABLED

Revenue and Expense Report dated January 18, 2022 for end of year 2021.

TABLED

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated January 18, 2022 for 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Revenue and Expense Report dated January 18, 2022 for 2022.

CARRIED AYES ALL

11) Purchase orders and Audit.
There were no purchase orders.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Audit dated January 18, 2022 for the end of year bills for 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Audit dated January 18, 2022 for the bills for 2022.

Supervisor Frank stated he pulled two bills from the audit: one for the East Herkimer Fire Department Tax Levee because this isn't usually paid till the end of February once we have collected enough in taxes to cover it and the other was a Teamsters bill for February that has David McManus on it and he no longer works for us but is able to pay for COBRA if he chooses but this would be taken from our BCBS policy not the teamsters policy anyways.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to go into executive session to discuss a personnel matter.

CARRIED AYES ALL

Motion by Councilman Stalteri 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 Monday, February 7th, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk