

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, February 7th, 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
Codes Enforcer-----Ken Collis

Excused: Councilman-----Randy Kast
Councilman-----Vito Carbone
Deputy Attorney-----Kyle Crandall

03) Pledge of Allegiance to the Flag.

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

Supervisor Frank stated he would like us to take a moment of silence for the passing of former employee Doris Ray.

04) Reading of the Minutes.

Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file the minutes of the previous meeting held on January 18th, 2022 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.

Ron Scalise stated he is here to discuss a portion of his land that is zoned, land conservation. He stated he thinks this should be changed because according to the Town's Zoning Ordinance this does not go with the definition. Supervisor Frank stated we will have the Planning Board take a look at it. Mr. Scalise also asked how to proceed with making the land on Gros Blvd zoning commercial. Attorney Bray stated he will further discuss this with Attorney Crandall on how is the best way to proceed.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A letter dated January 18, 2022 from Herkimer County Treasurer, Kimberlee Enea, concerning apportionment summary for 2021 fourth quarter based on 2020 tax roll.
- B. A letter dated January 24, 2022 from Justice Karl Manne to Supervisor Frank concerning the Herkimer Town Court Audit.
- C. A notice issues January 24, 2022 from the State of New York Department of Public Service concerning updated guidance to internet service providers relating to deferred payment agreements.
- D. An email received January 25, 2022 from NYS Homes & Community Renewal Office Assistant, Linda Berger, concerning the annual Monitoring Letter and Questionnaire.
- E. A letter dated January 26, 2022 from the U.S. Department of the Interior Fish and Wildlife Service Field Supervisor, David Stilwell, concerning the Herkimer Hydroelectric Project.

- F. Letters received February 7, 2022 from Edward Congdon, Perry Novak, and Robert Tamburrino concerning the status of residency and insurance requirements for the Housing Rehabilitation Project.
Supervisor Frank stated the HOME Grant monitors what we do to monitor the projects and one of the things we are supposed to do is send out letters making sure we have current information, so these are some of the responses to the letters.
- G. An email received February 7, 2022 from the NYS Department of Public Service to hold Virtual Public Statement Hearing on the Commission’s Broadband Assessment Program.
- H. A flyer from the Office of Cannabis Management concerning a public engagement series for Cannabis Conservations.
Supervisor Frank stated relative to cannabis we should give it some thought on how we would like to regulate this within our town.

CARRIED AYES ALL

08) Resolutions.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve Resolution No. 9 of 2022- Pool Program Resolution and authorize Supervisor Frank to sign the contract.
Supervisor Frank stated he would like to get a head start on this and get the contract out to the Village as well. The board agreed. Councilman Stalteri stated we budgeted for this.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Superintendent Ken Ward stated last week all of the meters were read and there were a couple of high bills. The customers have been notified and will be looking for the causes. Supervisor Frank stated Valley Residential had another high bill because it wasn’t fixed until the middle of the quarter so he is suggesting we prorate this bill as we did for the other two. The board agreed.

Supervisor Frank stated he would like to schedule a water department meeting this month. They will work on scheduling a date.

McKenna Road Enhancement Project: Supervisor Frank asked where we were with the easements? Attorney Bray stated the Simpsons are ready and that he just needs to schedule a time to get their signatures. The town is paying the other landowners so Attorney Bray is asking that we have the check ready so when he meets with them, they can sign off as well. Supervisor Frank stated relative to the water supply contract, he would like language added stating we will use state codes for the construction. He stated there had been communication in the past where the Village as trying to say which products needed to be used in order to hook into their system. Attorney Bray stated he believed that would only apply for where we are connecting in but will look into this further. Attorney Bray will review this information and discuss the provisions with Jeff Tresiak.

West Herkimer Water:

East Herkimer Sewer District: Attorney Bray stated he has been in contact with the State Comptroller’s Office and has also been trying to get hold of someone for the easement on the Lahey. He has been in a nursing home and is not doing well. He will continue to research a way to find out who he can talk to about this for Mr. Lahey.

Steuben Hill Road:

Codes: Codes Enforcer Collis stated the house at 109 Pine Grove Road has a window broken in the front. He is wondering if he can do a temporary fix with putting plastic up because the furnace is constantly running. Councilman Stalteri told him to notify the owner and refer to our Property Maintenance Law. Attorney Bray said it stills shows the owner as Dwayne Davis and he gave us permission before to make repairs in the past. He recommends contacting Mr. Davis again before doing anything and also following the protocols set up in our property maintenance law.

Codes Enforcer Collis stated his second issue is with the home off of Route 5 going towards Frankfort that has a fifth wheel trailer in the right of way of the highway with two propane tanks hooked up to it. He said the son is living in it but it needs to be moved because it is not safe.

Landbank:

SunEast Solar Project:

NYMIR Risk Control Resurvey Report:

Subdivision Local Law: Tabled.
Cell Towers' and Town Zoning Ordinance: Tabled.

Assessment Review Board Member: Councilwoman Penree stated she wasn't able to find someone. Councilman Stateri will reach out to someone to see if they are interested.

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 has emailed everyone the job description for this position and asked if anyone had any questions or concerns. Highway Supt. Ward stated he thinks having an extra person in the Highway department would be utilized more. Councilman Stateri stated this is a position in hopes to help vitalize the town park, help get more grant funding, set up a plan for the park and to coordinate for what is needed. This person will be asked to work with you on if the highway is able or not to do the maintenance and up keep of the park or if we need to hire out.

10) New Business.

2022 Equipment Highway: Highway Superintendent Ward handed out quotes. Supervisor Frank stated we are looking at roughly \$60,000. Councilman Stateri suggested that he get a quote from Steet since they are within our Town and see what they say. It doesn't hurt to ask. Ward agreed and will reach out to them. Ward also handed out quotes for a loader. Councilman Stateri asked what the lifespan is for a loader. Ward replied stating the one this will be replacing is 24 years old. Ward asked about getting into a seven-year finance schedule instead of the five-year. Supervisor Frank stated we have always done five years but he isn't sure what the finance law allows. He can look into it.

Shells Bush Road Bridge: Supervisor Frank stated it's been told to us that we own the Shells Bush Road Bridge. We have no record of this and wants to know how to get to the bottom of it. Attorney Bray stated he will do some research to find out.

Dog Control Workshop Meeting: Councilman Stateri stated we had our first Dog Control Workshop Meeting. It was the start of talking about our new local law. Over all it was a good meeting. Robert Schrader is trying to get other towns to mimic our local law and the Village is going to be reviewing ours as well. Our DCO was in attendance and we emphasized that she must use our laws in the Town outside of the Village and the Village law for all cases within the Village. Deputy Attorney Crandall was on as well and we expressed our DCO Erica Dunton needs to contact him when she is going to court so he can attend too. We are hoping through all of this is to get some of these problems to stop before it gets out of hand. The board is asking Clerk DeMetro to develop a form for who would like to apply to have more than the allowed number of three dogs according to our new local law.

Motion by Councilman Stateri, seconded by Councilwoman Penree to instruct Attorney Bray to make edits to the contract with our DCO. One of which is a requirement to attend meetings once a quarter basis.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman Penree to pay a \$35 stipend to the DCO for meetings attended in 2022.

CARRIED AYES ALL

11) Reports.

Motion by Councilman Stateri, seconded by Councilwoman Penree to accept and place on file the Asset Management HOME LPA Monitoring Questionnaire SFY 2021-2022 Report.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilwoman Penree to accept and place on file the Bank Reconciliation Report for December, 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Cash Report for December, 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Planning Board Meeting Minutes dated January 19, 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Town Clerks Report for January, 2022 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Sales Tax Report dated January 25, 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the DCO Reports for December, 2021 and January, 2022 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Town Justice Report for January, 2022 from Justice Manne.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated February 7, 2022 for the end of year 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Revenue and Expense Report dated February 7, 2022 for the end of year 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated February 7, 2022 for 2022.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated February 7, 2022 for 2022.

CARRIED AYES ALL

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

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

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept with regret the February 2, 2022 resignation of Anthony Tubia from the Highway Department. Supervisor Frank noted his many years of service to the Town of Herkimer.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Audit dated February 7, 2022 for the end of year bills for 2021.

CARRIED AYES ALL

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

CARRIED AYES ALL

12) Adjourn.

Motion by Councilwoman Penree, seconded by Councilman Stalteri, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Tuesday, February 22nd, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk.