

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, February 22nd, 2022, at 6:00PM telephonically and virtually.

**02) Roll Call of Officers**

Present:

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

Excused:

Councilman-----	Daniel Stalteri
Deputy Attorney-----	Kyle Crandall

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

**04) Reading of the Minutes.**

Motion by Councilwoman Penree, seconded by Councilman Kast, to accept and place on file the minutes of the previous regular meeting held on February 7, 2022 as written.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Kast, to accept and place on file the minutes of the previous special meeting held on February 10, 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 wondering where we are with the process of changing the zoning for his property on Gros Blvd. Attorney Bray stated the way he sees it is there are three options; to apply for a use variance which are rarely granted, apply for a special use authorization which he doesn't know if this is acceptable or not, or to have to Town do rezoning which is a lengthy process. He stated he will speak to Deputy Attorney Crandall and discuss the best option on how to proceed because he has a conflict with this. Councilman Kast stated he would like to pursue a zoning change to make it acceptable for this business to go there. This is zoned residential but no one is going to build a house there.

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

CARRIED AYES ALL

**06) Petitions and Communications.**

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

- A. A letter dated February 8, 2022 from Supervisor Frank to former employee Anthony Tubia concerning medical insurance.
- B. A letter dated February 8, 2022 from Supervisor Frank to Kenneth Miller congratulating him on his hire as a temporary full time employee for the Highway Department.
- C. A letter dated February 8, 2022 from Codes Enforcer Collis to Mr. Morawski concerning he approval of the Special Authorization Permit for the Greater Mohawk Valley Landbank's Park at 220 Main Road.
- D. A letter dated February 11, 2022 from Charter Communication Director of Government Affairs, Alice Kim, concerning upcoming changes in service.

- E. Letters received February 11, 2022 from Joseph Chillelli, Elizabeth Mosher, and Howard Klock concerning the status of residency and insurance requirements for the Housing Rehabilitation Project.
- F. A letter dated February 14, 2022 from Supervisor Frank to the Housing Trust Corporation concerning the return of funds for Janet Tamburrino.
- G. A letter dated February 14, 2022 from Supervisor Frank to Regional Director of the Mohawk Valley Regional Office Empire State Development Corporation, Michael Reese, concerning the East Herkimer Sewer District Project.
- Supervisor Frank stated we are asking for an extension of our funding from NYS for the East Herkimer Sewer District.
- H. Letters dated February 15, 2022 from NYSDOH Professional Engineer, Sarah Nowalk, concerning the 2022 Water Quality Monitoring Requirements for the East Herkimer and Lowe's Water Districts.
- I. An email dated February 17, 2022 from Dana Sherry to Councilman Stalteri requesting support in sponsoring a night at The Downtown Chowdown.
- Supervisor Frank stated we have received this request and will need to decide what we would like to do so we can respond.
- J. A letter dated February 18, 2022 Supervisor Frank to Kelli Morton congratulating her as being hired as a seasonal employee for the Highway Department.

CARRIED AYES ALL

**07) Routed.**

Motion by Councilman Carbone seconded by Councilwoman Penree to accept and place on file the Herkimer County Soil and water Conservation District 2021 Annual Report.

CARRIED AYES ALL

**08) Resolutions.**

**09) Old Business.**

Water District: Highway Superintendent Ken Ward stated we had a service on Main Road leaking last week and we got it fixed. He also stated that he put the pilot valves back in the tank. He received a call from a water customer saying they didn't have water so after further investigation we found that a breaker blew in the pump house. This was replaced and is working now. He stated the electrical box is in rough shape and he isn't sure how long it will last. He asked if we will be beginning the project up there this year? Supervisor Frank stated he is unsure but will get him a proposed schedule from our consultant.

Fire Sprinkler System: Supervisor Frank stated there was a leak in the parking lot from our fire service. The Village has shut it off. Highway Supt. Ward stated he contacted the Village about fixing it but they are too busy right now to do so we will have to do it ourselves sometime next week. It will need to be dug up and fixed.

Mckennan Road Enhancement Project: Attorney Bray stated he met with the Hazelwoods and got their signatures and was able to meet with the Simpsons and get theirs as well. He stated the only other signatures he needs are from Supervisor Frank and Chairman Bono. He also stated that he emailed the supply contract to the Village and hasn't received a response back yet. He will follow back up. Supervisor Frank stated he believes this will be on the agenda for the Village board meeting tonight as well as the district sampling contract. He hopes to hears the results this week.

Motion by Councilwoman Penree, seconded by Councilman Carbone to authorize Supervisor Frank to sign the easements on Steuben Hill Road.

CARRIED AYES ALL

West Herkimer Water:

East Herkimer Sewer District: Attorney Bray stated he has been in contact with the advocate for Mr. Lahey and it seems the best way to proceed is by having an appraisal done. Supervisor Frank will work on getting this appraisal done. Attorney Bray also stated that we need the survey map to complete the other two easements in which the school and Mrs. Wright have already agreed to. Bray stated the State comptroller sent him a message but he hasn't been able to connect with him regarding that yet.

Motion by Councilwoman Penree, seconded by Councilman Kast to allow Supervisor Frank to have an appraisal done on the Lahey property.

CARRIED AYES ALL

Steuben Hill Road:

Codes: Codes Enforcer Collis stated he spoke with Tim Simms and confirmed that he used a lot of water this summer to wash vehicles, ect. so that's why his water bill was so much higher then. He stated he got hold of the mortgage company for the house located at 109 Pine Grove Road and was told they would come and fix the broken window but they have yet to show up so he will have to call again. Supervisor Frank asked where we were with the Rubino Property. Collis replied stating he spoke to him and he has agreed to clean it up the place. He gave him a month to do so.

Landbank:

SunEast Solar Project:

NYMIR Risk Control Resurvey Report: Supervisor Frank reminded everyone to please take advantage of the various training opportunities available.

Subdivision Local Law: Tabled.

Cell Towers' and Town Zoning Ordinance: Tabled.

Assessment Review Board Member: Supervisor Frank stated he has found a person who is willing to be on our Assessment Review board and Councilman Stateri has found someone as well. After speaking with Assessor Maxwell he has found that we are allowed to have an alternate. He asked Assessor Maxwell to interview both and he did. He indicated both were well qualified and he would be comfortable with either choice. He stated one is Dana Sherry who has her real-estate license and is a go getter and the other is Vic Hazelwood who is an insurance broker and businessman. Councilwoman Penree asked if they are both property owners and how long they have lived here. Supervisor Frank stated Dana Sherry lives with her mother on Bellingr Ave. and Vic Hazelwood is a property owner on Steuben Hill Road. Councilwoman Penree stated she would prefer to go with the land owner for the committee member. The board agreed.

Motion by Councilwoman Penree, seconded by Councilman Kast to appoint Vic Hazelwood to fill the vacancy as an assessment review board member and Dana Sherry as an alternate.

CARRIED AYES ALL

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.

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Supervisor Frank stated we are having difficulty finding qualified people but will continue our search.

#### 10) **New Business.**

IMA for the proposed Eastern Mohawk Calley Regional Transmission Main: Supervisor Frank stated this is the West Herkimer Water District agreement for the transmission line only. Attorney Bray and himself reviewed this and found some things that we have questions and concerns about. He passed on these questions to the consultant engineer and attorney. Some of the things in question were; the annual cost of the transmission line, to clarify if this agreement would only apply to this water district and if our water rules for all of our water districts need to be changed. Also in discussion was possibly adding the Annese water district to this district since that is itself a water district. This agreement came from the attorneys that are representing all of the municipalities involved with this project. They will be reviewing and revising this for us. They want the final draft to be complete by the fall.

Review of Purchase and Investment Policies: Supervisor Frank stated he has been attending the AOT of trainings and found that we are supposed to be reviewing these policies annually. He is asking that we start doing so annual at our organizational meetings. He will get these to the board for review before our next meeting.

ARPA Funds: Supervisor Frank stated the State and Feds have broadened how we can spend this money. It is indicated that the local policy should mirror the state policy. By the end of March, we

need to understand how we are going to spend it and by April 30<sup>th</sup> need to file with the feds how we are going to spend it. We have received half of this money already and will receive the rest at the end of April. There is a lot more flexibility on how this money can be spent and we need to spend it by the end of 2026. He stated he would like to set a time for us to sit down and discuss how we would like to use this money. The board agreed to have a workshop meeting on Monday, February 28, 2022 at 6:00PM.

Bathrooms: Supervisor Frank stated he called and emailed the plumber about finishing the work on the bathrooms but has yet to hear back from him.

**11) Reports.**

Motion by Councilwoman Penree, seconded by Councilman Kast to accept and place on file the Proposed Schedule for the East Herkimer Sewer District Project.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to table the Depreciation and Fixed Assets Policy.

Supervisor Frank stated this is another policy that needs to be reviewed annually at our organizational meeting. He stated in order to apply for USDA grant funding for the East Herkimer Sewer District we needed to produce a report and in order to produce a report we need to have a policy in place. Budget Officer Marcia Baylor supplied us with this. Supervisor Frank is asking Highway Supt. Ward to review this as it will be a guide for him on purchasing vehicles and equipment. Highway Supt. Ward and the Town Board would like to further review this before adopting it and asked that it be put under old business on our next meeting's agenda.

TABLED

Supervisor Frank also stated that Councilman Stalteri and himself met with Lori Anderson from Herkimer County because the county is getting involved with the amount of lead found in children here and are working on how to mitigate this.

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

CARRIED AYES ALL

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

CARRIED AYES ALL

**11) Purchase orders and Audit.**

There are two purchase orders for review from Highway Supt. Ward.

- 2022-01: A 2022 Chevrolet 2500 HD from Steet Ponte for \$50,505 (was approved to purchase at the special meeting on 2/10/22)
- 2022-02: A Front loader approved for up to \$219,000. Highway Supt. Ward stated this is the cheapest one he has found but is still looking and doesn't include the trade-in value for the old one. He would like time to try out the equipment and try to get the prices down before he purchases one. Supervisor Frank stated we had budgeted for the quoted amount of \$170,000 that was given to us from the previous highway superintendent but Mr. Ward is asking for \$219,000. Ward explained that the one we were quoted for wasn't spec'd out big enough. He stated it need to be big enough to pull the snow blower.

Motion by Councilwoman Penree, seconded by Councilman Carbon to approve the purchase of a front loader up to \$219,000.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Kast to go into executive session to discuss a contract negotiation.

CARRIED AYES ALL

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

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilwoman Penree, 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 March 7, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk