

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, March 7th, 2022, at 6:00PM telephonically and virtually.

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: Councilwoman-----Kathy Penree
 Deputy Attorney-----Kyle Crandall

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 Kast, to accept and place on file the minutes of the previous regular meeting held on February 22, 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.

No one from the public wished to speak.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A letter dated February 18, 2022 from the East Herkimer Volunteer Fire Department Race Director, Joshua Leone, requesting permission to hold a 5K road race fundraiser. Supervisor Frank stated we will need the proof of insurance and a map of the race route. They will also have to notify the troopers and highway department. Codes Enforcer Collis stated they should fill out a special events permit. Supervisor Frank agreed and stated we will waive the fee. Clerk DeMetro will contact Mr. Leone and let him know what is needed.
- B. A letter dated February 28, 2022 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- C. A letter dated March 1, 2022 from Charter Communications Director of Government Affairs, Alice Kim, concerning changes to the rates for customers.
- D. An email received March 2, 2022 from NYSDEC Deputy Regional Permit Administrator, Todd Phillips, concerning DEC Mined Land Reclamation permit issued for Doolen Sand & Gravel Mine. Supervisor Frank stated a permit was issued for Doolen Sand and Gravel Mine.
- E. A letter dated March 2, 2022 from NYS Agriculture and Markets Animal Health Inspector, Debra Kosier concerning the Dog Control Officer Inspection Report rated "Satisfactory."
- F. A letter dated March 2, 2022 from PRIME Senior Project Manager, Jeffrey Trzeciak, concerning Water District No. 3 Water System Improvements Project Engineering Services Amendment No. 5. Supervisor Frank stated the consultant engineering firm is saying it's been working on this project since 2015 and is asking for an amendment for the additional engineering costs. This additional cost would be covered through the contingency fund of the grant. Councilman

Stalteri asked if we were aware of these extra cost? Supervisor Frank stated he was aware that all of the money that was allocated for the engineering consultant in the grant had been sent and that we have been receiving monthly statements showing the accrued cost for the changes and updated we have requested. Councilman Stalteri stated these bills are post the work being done and that we should know ahead of time. He is recommending we have an expected cost ahead of time, instead of a bill after. Supervisor Frank stated he understands.

Motion by Councilman Stalteri, seconded by Councilman Carbone authorizing Supervisor Frank to sign the contract for the amendment to the McKennan Enhancement Project.

CARRIED AYES ALL

G. A letter dated March 4, 2022 from NYMIR Claims Representative, Andiona Grimaldi, concerning the claim closed for the 1998 Ford Truck.

Supervisor Frank stated the claim is closed for the highway truck that was on fire. Highway Supt. Ward stated the insurance company was only going to give us \$3,200 for the truck so we told them we would keep it instead of getting that for it. He stated there are \$3,000 worth of tires on it. The County will be moving it for us up to the garage and we will take off what we want of it and then put it up for auction. He said we will get more money for it this way.

H. An email dated March 4, 2022 from The System for Award Management Administrator concerning confirmation of the registration submitted.

Supervisor Frank stated in order for us to enjoy receiving funding from the grant source we need to remain in good standing and this shows we are doing so.

I. A letter dated March 7, 2022 Charter Communications Director of Government Affairs, Alice Kim, concerning changes to the rates for customers.

J. A letter dated February, 2022 from Kathy Stalteri of the Herkimer County Youth Bureau concerning this years' Summer Youth Employment Program.

Supervisor Frank stated we will need to decide what we are going to do about the Summer Park Program this year.

K. A letter from the NYS Office of Temporary and Disability Assistance providing information and a vender agreement for the NYS Low Income Household Water Assistance Program.

CARRIED AYES ALL

07) Routed.

Motion by Councilman Carbone seconded by Councilman Stalteri to accept and place on file the Erie Canalway National Heritage Corridor 2021 Annual Report.

CARRIED AYES ALL

08) Resolutions.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file and approve Resolution No. 10 of 2022 for the 2021 Court Audit.

A role call was taken by Clerk DeMetro as follows:

	AYE	NAY	ABSENT
Supervisor Frank	<u>X</u>	_____	_____
Councilman Carbone	<u>X</u>	_____	_____
Councilman Kast	<u>X</u>	_____	_____
Councilman Stalteri	<u>X</u>	_____	_____
Councilwoman Penree	_____	_____	<u>X</u>

CARRIED AYES ALL

09) Old Business.

Water District: Highway Superintendent Ken Ward stated we read the meters last week and Jodi has the figures. Supervisor Frank stated he has been reviewing what we have been reading versus what we were billed for. He stated for East Herkimer we billed for about \$56K and the Village

billed us for \$57K, for McKennan we billed for around \$8K and the Village billed us for over \$17k, and the Lowe's and Highland districts pay for themselves. Supervisor Frank stated he talked with Highway Supt. Ward about how we can best try to find these leaks and how we can be more proactive about it. Ward replied stating there are actual firms out there that we can engage with to find leaks in our system to have a constant approach.

McKeanan Road Enhancement Project: Supervisor Frank stated we are going to be seeing the engineering plans for the final approval. They hope to have this out to bid this year and then finish the project next year. He stated Highway Supt. Ward brought to our attention that the pump house is in desperate need of repairs. Ward has asked where in the schedule this is expected to be replaced? Supervisor Frank replied stating he sent an email to the consultant engineer to put it in the schedule for the pump replacement for us to see. Attorney Bray stated the easements are complete and we are just waiting for the County Chairman to sign off so we can file it. He stated that he has already approved them but just needs to sign them.

West Herkimer Water:

East Herkimer Sewer District: Supervisor Frank stated we have engaged with an appraiser.

Attorney Bray stated Deb Wright executed her portion of the easement. Her husband suggested that we change the route of the line so it wouldn't have to go through Lahey's property which is swampy with large trees. He stated this would be better for the installation and upkeep of the line if it were on their property because their property is all sand. If we went around Lahey's property, we would eliminate multiple issues. Supervisor Frank stated the consultant engineer was not in favor of changing the layout of the line again. The engineer estimated it would cost between \$20-\$30 thousand to make these changes. Councilman Stalteri stated he thinks it would be more cost efficient to keep the design as it is. Supervisor Frank stated the engineer recommended that we keep it the same as well. Attorney Bray stated he hasn't heard anything from the State Comptroller.

Motion by Councilman Stalteri, seconded Councilman Kast to allow Supervisor Frank to sign and easement and rights for Deb Wright's property.

CARRIED AYES ALL

East German Street Extension Road Project: Supervisor Frank stated he has nothing new to report.

Codes: Codes Enforcer Collis stated he has nothing new to report.

Landbank: Supervisor Frank stated relative to the Landbank, they are working with the State for the funding and are in need of a schedule from us for the project.

SunEast Solar Project: Tabled.

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

Subdivision Local Law: Tabled.

Cell Towers' and Town Zoning Ordinance: Tabled.

Depreciation and Fixed Assets Policy: Supervisor Frank stated this is something we need to review every year at our organizational meeting.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve the Depreciation and Fixed Assets Policy.

CARRIED AYES ALL

Don Mitchell Bridge: Supervisor Frank stated that he has looked through his stuff and that he doesn't have anything on this. Legislator Mark Gaworecki stated he would help look into this for us.

Cannabis Zoning Regulations: Supervisor Frank stated the Town would like to tighten up the regulations for such a business in the Town of Herkimer. He stated some Town's regulate how they look, to make them look more professional. Clerk DeMetro stated we may want to make regulations for mobile trucks as well. Supervisor Frank stated he will reach out to the AOT to see if they have any information.

ARPA Funding: Supervisor Frank stated we need to submit a report to the funding source of what we want to do with this money. We had a workshop meeting on this and came up with several options that consist of; a salt shed, a pavilion, signing when entering the Town, or a farmer's market. Supervisor Frank stated originally we discussed using this towards infrastructure but decided we should use the money towards something that will affect the whole town. He stated

we need to vote on this and we will need estimates. The Board agreed to use the funds towards a salt shed and a pavilion for the town park.

Motion by Councilman Kast, seconded by Councilman Stalteri to allocate the ARPA funds to be used for the update of the Town park pavilion and for the land to be purchased and building of a salt shed.

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. He stated we have received a few more resumes. No body from the Town has applied.

TABLED

10) **New Business.**

Review of 2011 Approved Investment Policy: Supervisor Frank asked the board to review this. He stated this is something we will need to review annually. Councilman Stalteri stated we should ask the banks that we work with to review this to make sure it is pertinent. Supervisor Frank agrees and will do so.

Review of Purchasing Policy: Supervisor Frank stated he made some provisions and asked the board to review them. Councilman Stalteri stated we still use this and it is still pertinent. Highway Supt. Ward asked if the board would consider raising the \$1,000 limit to \$2,500. He stated with the prices of everything going up the \$1,000 limit is not a realistic amount. He would need a purchase order for everything. The board agreed that inflation has gone up considerably and agreed to change the limit to \$2,500.

Motion by Councilman Kast, seconded by Councilman Carbone to accept and approve the Purchasing Policy with the provision recommended by Supervisor Frank and raise the limit from \$1,000 to \$2,500 for the highway department.

CARRIED AYES ALL

Zoning: Supervisor Frank asked what the process would be for the Ron Scalise Property to be changed to commercial? Attorney Bray stated he believes under Town Law Section 265 that the landowner could file a petition to change the zoning. He stated he would require the landowner to fill out a Zoning Application and pay the fee. Then the Town Board can set a public hearing and follow the proper proposals for getting this changed. Attorney Bray will inform Deputy Attorney Crandall so he can follow-up with the land owner on how to proceed.

Covid Protocols for Town Office: Supervisor Frank what everyone's thoughts were for the office in regards to masks and opening the door? The board expressed that they feel that it is not required most places now so we should not require either. Supervisor Frank stated the office staff is requiring people to wear them before entering the office. The board agreed that the office staff can do what they feel is necessary for a comfortable work place but they do not think it is necessary to require everyone to wear masks for a board meeting. No action was taken. The board also discussed proper security measures that need to be taken for the safety of our staff.

Bathroom Project: Supervisor Frank stated the contractor is back in action and making progress of the repairs to our bathroom. They hope for completion in the coming weeks.

Downtown Chowdown: Supervisor Frank stated at our last meeting we had a request from this organization and we will need to respond. The board agreed to donate \$500 for the recreation event.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve the donation of \$500 from the recreation fund for the Downtown Chowdown.

CARRIED AYES ALL

11) **Reports.**

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Bank Reconciliation Report for January, 2022.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Depreciation and Cash Report for January, 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Annual Use Report ALL Districts dated 2/28/22.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Water & Sewer Meeting Minutes dated February 24, 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Planning Board Meeting Minutes dated 2/2/22.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the WD#3 Water System Improvements Project Proposed Schedule.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the DCO Report for February, 2022 from DCO Erica Dunton.
Councilman Stalteri noted all calls were within the Village.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated March 4, 2022.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated March 4, 2022.

CARRIED AYES ALL

11) Purchase orders and Audit.
There are no purchase orders at this time.

Motion by Councilman Stalteri, seconded by Councilman Carbone to go into executive session to discuss a contract negotiation.

CARRIED AYES ALL

Motion by Councilman Carbone and second by Councilman Kast 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 Councilman Stalteri to accept and place on file the Audit dated March 7, 2022.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Kast, 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 21, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk