

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, March 21st, 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
Councilwoman-----Kathy Penree
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray

Excused: Codes Enforcer-----Ken Collis
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 March 7, 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 Carbone, seconded by Councilwoman Penree to close the public meeting.

CARRIED AYES ALL

06) 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. A Special Events Application, proof of insurance and race map dated February 18, 2022 from the East Herkimer Volunteer Fire Department Race Director, Joshua Leone, for the 5K road race fundraiser.
- B. A letter dated March 8, 2022 from NYS Homes and Community Asset Management Unit, Craig Thompson, concerning NYS HOMES Program Monitoring Compliance Satisfactory.
- C. A certificate of liability insurance dated March 9, 2022 for Geraty Pools and Spa effective March 3, 2022 through March 3, 2023.
- D. A letter dated March 11, 2022 from the Herkimer-Oneida Counties Transportation Council concerning the FFY 2023- 2027 Transportation Improvement Program (TIP).
- E. A letter dated March 11, 2022 from Charter Communications Director of Government Affairs, Alice Kim, concerning a programming change.
- F. A flyer received March 16, 2022 from the AOT and the Office of the State Comptroller for the 22th Annual Town Finance School.
- G. An email received March 17, 2022 from the Village of Herkimer asking if the Town would be willing to donate \$200 chocolate bunnies to the Annual Easter Egg hunt.
Supervisor Frank stated the Village is going to be having the Annual Easter Egg Hunt this year. We have previously provided \$100 for chocolate bunnies and this year they are asking for \$200 worth of chocolate bunnies. The board agreed to support this.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve the cost of \$200 for chocolate bunnies to the Village for the Annual Easter Egg Hunt.

CARRIED AYES ALL

CARRIED AYES ALL

07) Routed.

08) Resolutions.

09) Old Business.

Water District: Highway Superintendent Ken Ward stated he will be calling Rural Water to get names of people who can find the leaks. He should know this week what the pricing is. Supervisor Frank stated we have a water meeting tomorrow.

McKenna Road Enhancement Project: Supervisor Frank stated the consultant engineer is working with national grid because we need power for the tank and pump stations. We gave the address of the current pump house but we will need an address for each pump house and the tank. Supervisor Frank stated he is unsure if we can get an address for an easement. Councilman Kast stated yes, they can. Supervisor Frank will call tomorrow. Supervisor Frank asked if there was an update with the supply contract yet? Attorney Bray stated he called the Village last week and has not heard a response back yet. He will follow-up with them again. Supervisor Frank stated he is meeting with the consultant engineer and staff on Friday at 10:00AM. They are going to present the proposed final plans. He encouraged all board members to attend.

West Herkimer Water: Supervisor Frank stated he sent Attorney Bray a note of a bill he received from the attorney we contract with. He stated he had reviewed the agreement and discussed questions and concerns he had with the attorney and consultant engineer. Both had acknowledged and thanked Supervisor Frank for his findings and stated they would make the appropriate corrections to the agreement. Then we were sent a bill for 3.7 hours. Supervisor Frank stated he did the work but now we are getting charged for it. Attorney Bray stated he would reach out to see if this bill can be disbursed among all of the municipalities involved since these changed are for everyone's benefit. Supervisor Frank agreed stating our revisions benefit everyone.

East Herkimer Sewer District: Attorney Bray stated he has nothing new to report besides that the State Comptroller did reach out to him with a few things that he has to follow-up on. Supervisor Frank stated he spoke to the liaison for Mr. Lahey and provided him with the appraisal. He is supposed to further discuss this with Mr. Lahey on how he would like to proceed. The appraisal came in at \$3,400 for the property.

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

Sprinkler System Water Break: Highway Supt. Ward stated he hasn't done anything yet and that his men will be back on days starting next week so it will be easier to completer with a crew all day.

Codes:

Landbank: Supervisor Frank stated he has nothing new to report.

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.

Don Mitchell Bridge: Supervisor Frank stated he has not heard anything on this.

Cannabis Zoning Regulations: Supervisor Frank stated he would like to do a workshop meeting so we can get to work on this. Attorney Bray stated the State has started issuing licenses. The board agreed to meet for a workshop meeting on Monday, March 28, 2022 at 5:00 PM.

Review of 2011 Investment Policy: Supervisor Frank stated he will get this out to everyone for review.

Summer Youth Bureau: Supervisor Frank stated we need to decide if we are going to do it or not this year so we can let the county know.

ARPA Funding: Supervisor Frank stated he needs to get this report done.

Term Lengths: Attorney Bray stated there are two ways we can do it; in an election year or in an off year. The default way is in an election year but the recommended way under municipal town law is to pass a local law and then it would be on the ballot in November on an off year. This way depoliticizes it by doing it on an off year. A lot of municipalities do this to bring continuity of offices. If we follow the local law process, the law doesn't approve until the public votes on the permissive referendum. If we have it on the election ballot for 2022, it wouldn't take effect until

those individuals who have an election in 2023. He stated if the board would like to proceed he just needs to know which offices to do this for and then we can do an introductory resolution for our next meeting. Councilman Carbone stated we should do it for the Supervisor, Town Clerk and Highway Superintendent positions. They are the only ones who aren't four year terms. The board agreed to proceed. Supervisor Frank stated we will have to contact the county. Attorney Bray will do so.

Appointments for 2022: Supervisor Frank stated we still haven't found someone. Councilwoman Penree asked if it would be beneficial to reach out to the college to see if there are any prospects there. Councilman Stalteri will forward this information to Don Dutcher at the College. 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

Fireworks: Clerk DeMetro asked Councilwoman Penree if she has heard anything from the college for the fireworks display? Councilwoman Penree replied stating he hasn't heard a response back yet. She stated the college seemed open to the idea and just wanted to make sure there would be enough people to help work the event.

Zoning: Ron Scalise asked what to do next to get the zoning changed for his property on Gros Boulevard? Attorney Bray stated he would need an attorney to draw up the paperwork to petition the board. Mr. Scalise stated he will do so.

10) New Business.

Meeting with Consultant Engineers for the McKennan Water District "Final" Plans: Supervisor Frank stated this has already previously been discussed.

Green Waste: Highway Supt. Ward stated he had spoken to Supervisor Frank, Councilman Kast and Councilman Stalteri about making some changes he would like to make to the green waste rules and regulations. He stated green waste pickup to start April 15th, not April 1st and will end the first Monday in November. He stated he is no longer going to allow lawn carts or tarps to be used for green waste because they are too hard to pick-up like this. He stated he is suggesting that we do green waste pickup every other Monday for June, July and August because there isn't as much to pick up during these months. Councilwoman Penree stated she thinks this would be hard for residents to keep track of. Councilman Stalteri stated we should change it to the first and third Monday of those months to keep it consistent. Ward agreed and will do so. Supervisor Frank asked if it would be possible to start a compost with the green waste that resident could use for their gardens? Ward replied stating there are other municipalities who do this but he doesn't think we have the space for it. Councilman Stalteri suggested up by the water tower. Ward stated he doesn't think there is enough room there unless it is ground up first and even then he doesn't know if it's a good idea for residents to have access to where the water tower is. Supervisor Frank asked where it is being ground up now? Ward replied stating it gets ground up and is stored at his dad's house. Frank stated he doesn't this it should be ground up or have it at a private residence. Councilman Stalteri stated we might want to revisit purchasing the property behind the bus garage and town park. Supervisor Frank stated we should get an agreement signed with Ken Ward's dad for the short term and work on a long term solution.

Trash Days: Highway Supt. Ward stated the Spring trash days will be June 2nd, 3rd and 4th. Thursday and Friday will be from 6:00AM till 4:00PM and Saturday will be 7:00AM till Noon. Clerk DeMetro will call for a shred truck to be there on Saturday from 9:00AM till noon as well. The fall trash days will be September 29th, 30th and October 1st with the same hours as spring days. Ward asked if we will be doing a ticket system to help keep track better? Councilman Stalteri stated he doesn't think it's necessary because it gets the trash off the streets. Ward replied stating the biggest expense is the landlords that use it, that have security deposit it. He feels they are abusing it and using this for business purposes. He stated German Flatts has had a permit system they have been using for years now. Councilwoman Penree stated she would hate to turn town people away if they can't get in to get a permit. Councilman Stalteri stated we would need to make it so they could apply online or in person for a permit. He stated we need to discuss this with our IT guy to see if this is possible. Auctions International: Highway Supt. Ward stated he would like to list the truck that was burnt and the ford expedition on Auctions International. He hasn't decided what he wants to do with the wheels yet. The board agreed. Supervisor Frank stated we did receive the money for the claim already.

Town Park: Attorney Bray asked if the Town Park was open yet? Highway Supt. Ward stated he will open it. Councilman Stalteri stated we should hold off on turning on the water until it gets warmer. Highway Employees: Supervisor Frank asked Highway Supt. Ward how many seasonal employees are still on? Ward replied stating that one of the season employees will be done on March 25 and he would like to keep the other on until she can go back to work for the County. Supervisor Frank stated we will look into this because he believes there was a resolution passed in 2020 on the number and time of highway employees.

2021 Budget: Highway Supt. Ward stated he was wondering if the sander that was purchased last year but not paid until February of this year can be taken out of 2021 budget since it was budgeted to be taken out then. He stated this was a big expense to his budget that he wasn't expecting. Supervisor Frank stated he will check with Budget Officer Marcia Baylor to see if she is able to take it out of the 2021 budget. He stated we haven't closed the budget for last year yet so we might be able to still do this. It was about \$15,000.

1.1) Reports.

Motion by Councilwoman Penree, seconded by Councilman Kast to accept and place on file the DPW/Highway Strategic Assessment and Management Plan.

Highway Supt. Ward stated he would like to see this money go towards equipment instead of a consultant. He stated the Cazenovia Highway Supt. is willing to come and speak with us about how they rotate equipment. He estimates it will take an hour or two to go over everything. Supervisor Frank stated there are two areas of concern for him that he would like to make committees for; one is the highway department strategic plan and the other is building and grounds. Councilman Kast and Councilwoman Penree agree to work on the highway department strategic plan. Highway Supt. Ward will set up a meeting for them to attend with the Cazenovia Highway Superintendent and himself. Councilman Stalteri and Councilman Carbone volunteer to work on the building and grounds part of the strategic plan.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Town Justices Reports for February, 2022 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

1.1) Purchase orders and Audit.

Highway Superintendent Ward stated he has one purchase order for a 2022 Hyundai Model 960A Wheel Loader for \$196,391.50. He stated this is not expected to be delivered until 2023 so we would not need a BAN until 2024.

Motion by Councilman Stalteri, seconded by Councilman Carbone to go into executive session.

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 21, 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, April 4, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk