

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, May 2<sup>nd</sup>, 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 Councilman Carbone, seconded by Councilman Kast, to accept and place on file the minutes of the previous regular meeting held on April 18, 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 Carbone to close the public meeting.

CARRIED AYES ALL

**06) Petitions and Communications.**

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

- A. A letter dated April 15, 2022 from Attorney Andrew Campanelli of Campanelli & Associates concerning local zoning ordinance review services to prevent the irresponsible placement of 5G Wireless Facilities.
- B. A Herkimer County Sales Tax Apportionment summary for the first quarter of 2022 based on the 2021 tax roll dated April 18, 2022 from Herkimer County Treasurer Kimberlee Enea.
- C. A letter dated April 19, 2022 from NYS Homeland Security and Emergency Services Chief of Hazard Mitigation Programs, Marlene M. White, concerning the Town of Herkimer West Canada Creek Landslide Prevention Project Scoping Subgrant Activity Completion Timeframe.  
Supervisor Frank stated we have received positive feedback that they are going fund this Hazard Mitigation Program for Piper Road embankment and the retaining wall on Main Road. The approved amount was for \$90K and we have to match 20% of it.
- D. A letter dated April 26, 2022 from NYS DOT Acting Director, Dawn Arnold, concerning the first quarter SFY 2022-23 CHIPS, PAVE-NY, and EWR reimbursements are scheduled to be made on June 30, 2022.  
Supervisor Frank stated we did get our notice from the DOT of what our CHIPS would be this year. Highway Supt. Ward state we have about \$12k that we were approved for from pave my pothole. They are unsure if that was included with this amount as well.
- E. A letter dated April 27, 2022 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.

CARRIED AYES ALL

07) Routed.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve both of the Budget Amendments recommended by Supervisor Frank. Supervisor Frank stated these are to bring in the additional money to the highway department for the auction items sold and for the insurance claim money. Both will be added to the capital outlay of the DA fund. This roughly totals around \$87k. He stated this will easily pay for the pick-up truck.  
CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve Resolution No. 13 of 2022- Resolution for Local Law No. 1 of 2022- Term Lengths. Attorney Bray stated this will be subject to referendum.

A roll call was taken by Clerk DeMetro as follows.

	AYE	NAY	ABSENT	Recused
Supervisor Dominic Frank				X
Councilman Randy Kast	X			
Councilman Daniel Stalteri			X	
Councilman Vito Carbone	X			
Councilwoman Kathy Penree	X			
CARRIED AYES ALL				

09) Old Business.

Water District: Highway Superintendent Ken Ward stated we fixed one of the leaks on Highland that was on Bruce Ward’s property. He also stated he read meters on Friday and Jodi was reviewing them. Supervisor Frank stated the next water meeting is on Tuesday, May 10<sup>th</sup>.

McKenna Road Enhancement Project: Supervisor Frank stated he is still working on identifying the vacant lots. Attorney Bray stated he still hasn’t received the easements back from the County. He stated he thinks the County wants to add a hold harmless. He will touch base with them.

West Herkimer Water: Supervisor Frank stated there is a meeting next Monday at 5:00 at the college to discuss the inter-municipal agreement and cost sharing. It is for all entities involved with the water coming down from Utica. He stated all attorneys, supervisors and consultant engineers will be there.

Supervisor Frank asked Attorney Bray where we are with the supply contract? Bray responded stating he has sent it and left messages but has not had a response back yet. He will try to get ahold of the Village attorney again.

East Herkimer Sewer District: Supervisor Frank stated the surveyor has been doing some preliminary surveying. Attorney Bray stated he followed up with the pastor and has received the trust but it is not signed. He assumes there is a signed copy and needs to see it. He stated he needs the survey description for the title insurance and then he can have both sign. Bray also stated he has been going back and forth with the State Comptroller.

East German Street Extension Road Project: Supervisor Frank stated he sent the contacts for the firms to move the rocks. Highway Supt. Ward asked for a copy of the engineering report so he can review it before he calls these contacts.

Sprinkler System Water Break: Highway Supt. Ward stated he will get to it as soon as they can.

Codes: Codes Enforcer Collis stated he has a meeting tomorrow on Piper Road with Child Protective Services. He also stated he spoke with Tolga from the Landank and they will be getting together this week.

Landbank:

SunEast Solar Project: Tabled.

NVMIR 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: Attorney Bray stated that his take on this is still the same after reviewing the resolution and that is that the Town is responsible for maintaining the bridge. Highway Supt. Ward stated the bridge needs some attention. There are pot holes in the deck, the expansion joint needs work and he is unsure what it looks like underneath the bridge. He stated we will need to get someone to fix the expansion joint.

Cannabis Zoning Regulations: Attorney Bray stated he found another town who started regulating cannabis. He has been reviewing their local law but also recommends that we update our whole Zoning ordinance to keep it cleaner to encompass all the amendments. Right now we have several amendments to the zoning ordinance that should all be put together. He will reach out to the County Planning Board and also the AOT to see if they have any advice on how to proceed or if they have any recommendations on who to hire to do so for us. Supervisor Frank stated in the past our planning board had done it he believes. Planning Board Chair Mark Gawrocki stated that this would be a lot of work to undertake. Attorney Bray agreed.

Review of 2011 Investment Policy: Supervisor Frank stated some of our banking friends sent back suggestions and he will review them this week.

ARPA Funding: Supervisor Frank stated he sent in the report and will work on getting quotes for the various projects the board had previously discussed.

Appointments for 2022: Supervisor Frank stated Councilman Stalker and himself would like to recommend Katherine Nasypany for Town Park Supervisor. He stated she brings a lot of energy and ideas to the table. This is a contractual position that will be renewed annually. He stated this fits within our recreation budget and she will be paid \$600 a month.

Motion by Councilman Kast, seconded by Councilman Carbone to appoint Katherine Nasypany as Town Park Supervisor and allow Supervisor Frank to enter into a contract with her.

CARRIED AYES ALL

Fireworks: Supervisor Frank stated the cost of the fireworks is \$9,000 and the insurance is about \$1,000. Councilwoman Penree stated we are going to work on fund raising to help compensate for some of the cost. She asked if

Zoning: Supervisor Frank stated the Planning Board met and gave us a letter of recommendation. The board will review it and discuss what to do next.

#### 10) New Business.

Highway Supt. Ward asked if the Town had or would be willing to open a credit card. Supervisor Frank stated he will call the banks and ask what the best way to go about this is. The board agreed as long as it follows the same procedures of the purchase policy in place.

#### 11) Reports.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Sales Tax Report dated April 28, 2022.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the SLFRF Compliance Report-NY2108-P&E Report-Q1 2022.  
Supervisor Frank stated this is the ARPA Report he submitted.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the KB Group of NY, INC Agreement Modification #3.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated May 2, 2022.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated May 2, 2022.

CARRIED AYES ALL

**11) Purchase orders and Audit.**

There are no purchase orders for this meeting.

Motion by Councilman Kast, seconded by Councilwoman Penree to accept and place on file the Audit dated May 2, 2022.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilman Kast, seconded by Councilwoman Penree, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Tuesday, May 17, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk