

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, May 17<sup>th</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

Excused: Councilman-----Daniel Stalteri  
Deputy Attorney-----Kyle Crandall  
Codes Enforcer-----Ken Collis

**03) Pledge of Allegiance to the Flag.**

Councilwoman Penree 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 May 2, 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.

Joseph Murine of WMR Services stated he is the owner and founder of this renewable energy company. He stated he would like to discuss the proposed project from last year at 164 Shells Bush Road. He stated the project will be the same except for the connection point which will now connect in with National Grid. He stated we got as far as to the Town needing to do the SEQR process last time and he is hoping to be able to get this done so the project can be constructed this building season. Councilwoman Penree asked who owns the property now? Mr. Murine replied stating the land is currently owned by the Aney Trust. He stated we hope to buy it but will not proceed until the SEQR is done by the Town. He stated we have the option to buy the property with the contract. He suggested that we re-engage with the Wladas Law Firm. Councilwoman Penree stated she would like to review her notes from before because she had some questions. Supervisor Frank stated he has a completer proposal for the Board to review. He also stated on Friday he received the agreement for CT Male and sent it to Wladas to review. Mr. Murine asked if this would be the same application process as before. Supervisor Frank stated yes, we will follow the same procedure for the new application submitted since the previous one was withdrawn. He stated he will send this to the Planning Board for review.

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

CARRIED AYES ALL

**06) Petitions and Communications.**

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

- A. A letter dated May 4, 2022 from NYS Homeland Security and Emergency Services Hazard Mitigation Project Manager, Steve Bornt, concerning the Town of Herkimer West Canada Creek Landslide Prevention Project Scoping.
- Supervisor Frank stated we are going to need help in executing the contract. He stated he think we need an RFP. Attorney Bray stated CT Male has specialized knowledge in how to side step the RFP process. Supervisor Frank stated they have volunteered to help us through the orientation call for grant proposal and award. Councilwoman Penree stated we want to get the most bang for our buck. Councilman Kast stated he think we should put this out to

- bid. Supervisor Frank also noted that this project has to be done by the end of 2023. He will call and get proposed estimated costs for the RFP.
- B. Certificates of attendance for the Board of Assessment Review Training dated May 4, 2022 for Vic Hazlewood and Dana Sherry.
  - C. A letter dated May 11, 2022 from Charter Communication Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
  - D. A letter dated May 11, 2022 from the NYSDOT Acting Director of the Local Program Bureau, Dawn Arnold, concerning the Pave Our Potholes Programs apportionment.
  - E. A certificate of liability insurance dated May 12, 2022 for Central New York Construction effective 5/16/2022 through 5/16/2023.

CARRIED AYES ALL

07) Routed.

09) Old Business.

Water District: Highway Superintendent state he found a couple of the leaks on McKennan Road but it looks like something else is leaking now since they have been fixed. He will continue to look for it.

McKannan Road Enhancement Project: Attorney Bray stated he emailed the County again and was asked to add an addendum clause to hold them harmless.

West Herkimer Water: Supervisor Frank stated he has a meeting last Thursday with all of the entities involved and consultants. This was a kick off review of the inter-municipal agreement.

East Herkimer Sewer District: Supervisor Frank stated he sent an email out to Jeff Tresiak to find out the status of the survey but he has not heard a response back yet. Attorney Bray stated he also sent Jeff Tresiak emails of questions the state comptroller had. Bray also stated that bond council recommended that we have a financial advisor to get documents to together for BANS. He stated other local municipalities have engaged with them as well.

Motion by Councilwoman Penree, seconded by Councilman Carbone to engage with the fiscal advisor from WHW.

CARRIED AYES ALL

East German Street Extension Road Project: Supervisor Frank stated he sent Highway Supt. Ward the reports for him to review.

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.

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: Highway Supt. Ward stated with the increase of traffic with the solar project, we might want to ask for them to contribute to the cost of repairs.

Cannabis Zoning Regulations: Attorney Bray stated he is working on it and will have a proposed local law for the board to review at the next meeting.

Review of 2011 Investment Policy: Supervisor Frank stated his banker friends have reviewed the policy and made some suggestion for the board to consider.

ARRA Funding: Supervisor Frank stated he is figuring for now to pursue the pavilion at the town park because without the purchase of the property we will not be able to do the salt shed. He asked engineering firms for park plans and grant funding. He stated Councilman Stalteri and himself will meet with a grant writer from CT Male on Friday. He stated we need to spend this money by 2026, so we have time.

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. The board agreed to proceed with signing the needed agreements to continue.

Motion by Councilwoman Penree, seconded by Councilman Carbone to allow Supervisor Frank so sign all necessary contracts and agreements.

CARRIED AYES ALL

Zoning: Attorney Bray stated he ran into Ron Scalise and was told that he is working with the surveyor to get the needed information requested to proceed.

**10) New Business.**

Motion by Councilman Kast, seconded by Councilwoman Penree to allow Supervisor Frank to enter into an agree with Herkimer Central School District for the Collection of School Taxes.

CARRIED AYES ALL

**11) Reports.**

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Planning Board Meeting Minutes dated April 13, 2022.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Signed Contract for the Town Park Supervisor dated May 4, 2022.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman Penree to accept and place on file the Wladis Law Firm letter of engagement/DYNA Solar for the Shells Bush Road Solar Project.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Email dated May 12, 2022 from Kevin Murphy of the Wladis Law Firm concerning DYNA Solar.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Letter dated May 12, 2022 for the grant closure of the 2021 Sports Award Wadas Foundation.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Cash Report dated 5/15/2022 for March, 2022.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for March, 2022 from Budget Officer Marcia Baylor.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the DCO Report for April, 2022 from DCO Erica Dunton.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated May 13, 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 13, 2022.

CARRIED AYES ALL

Supervisor Frank stated he did receive the credit card application and will review and fill it out this week.

Highway Supt. Ward stated he has called for a fuel card again and has not heard a back yet.

**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 17, 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, June 6, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk