

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, July 5th, 2022, at 6:00PM telephonically, virtually and/or in person at the Town Hall located at 114 N. Prospect Street in Herkimer.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilwoman-----Kathy Penree
Highway Supt.-----Ken Ward
Codes Enforcer-----Ken Collis
Attorney-----Christopher Bray

Excused: Councilman-----Randy Kast
Councilman-----Vito Carbone
Deputy Attorney-----Kyle Crandall

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 Councilman Kast, seconded by Councilwoman Penree, to accept and place on file the minutes of the previous regular meeting held on June 6, 2022 as written.

CARRIED AYES ALL

05) Public Hearing.

Supervisor Frank read legal notice for the public hearing for the Community Development Block Grant Application for the West Herkimer Water District.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve Resolution No. 17 of 2022 to Open the Public Hearing for the Community Development Block Grant Applications.

CARRIED AYES ALL

Supervisor Frank asked if anyone from the public wished to speak relative to this matter, to please do so at this time.

No one from the public wished to speak.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve Resolution No. 18 of 2020 to Close the Public Hearing for the Community Development Block Grant Applications.

CARRIED AYES ALL

06) 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. With no one from the public wishing to speak, he would entertain a motion to close the public meeting.

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

CARRIED AYES ALL

07) Petitions and Communications.

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

- A. A letter dated August 26, 2020 from Christopher Baiamonet of Wladis Law Firm concerning the application for Special Authorization to build a solar installation at Shells Bush Road, filed by WMR Services, LLC.

- Supervisor Frank stated our consultant attorney has laid out a plan of action for the Shells Bush Road Solar Project and part of the plan is the SEQR Process.
- B. A letter dated June 28, 2022 from Supervisor Frank to USDA Rural Development Alan Gregory, concerning the emergency response plan and the vulnerability assessment for the Hyland & Beardslee Ave. Sewer District are still in effect.

CARRIED AYES ALL

07) Routed.

08) Resolutions and Local Laws.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve Resolution No. 19 of 2022- SEQR Resolution Declaring Intent to be Lead Agency.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept, place on file and approve the transfer recommended by Supervisor Frank.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Superintendent Ward stated there is a leak at the trailer park. Supervisor Frank has sent two emails and has not heard a response. Ward stated there is quite a bit of water being lost each day because of this. He asked if we can start the process of alerting them to get it fixed before we shut the water off in accordance with the Department of Health? The board agreed to let Superintendent Ward begin the process. Supervisor Frank also stated the still have not paid their water bill either.

Highway Supt. Ward stated there was a washout from the water tower that we will need to get fixed. He stated the storm runoff from the parking lot has caused the damage sending sand down into people's yards. He stated this is becoming a problem for the owners below. He stated we need to stop the erosion and also determine who property is who's so we can get in there to fix the problem. We will have to clean up the resident's properties as well.

Mckennan Road Enhancement Project: Supervisor Frank stated we still don't have any contracts from the Village. Attorney Bray stated he will be working on have a separate contract for the testing and water supply. He stated we took care of what we needed from the County for the addendum for the Simpsons. Supervisor Frank stated he has been working with Ken and our consultant and believes we have come to an agreement with the number of service stubs. Once we have the agreement we will send our approval to the consultant and the consultant will then send the plans to the State for approval. We will also need to decide on how we are going to have the residents of the district ~~to~~ pay back the loan. This will not be on the district resident tax bills until 2024.

West Herkimer Water: Supervisor Frank stated we just held a public hearing on the grant for laterals.

East Herkimer Sewer District: Supervisor Frank stated we need a notice to proceed but we are waiting on the easements. He stated we are also waiting for the Village to send us their sewer budget. He stated he asked them for it a month ago but still hasn't received it. The USDA doesn't recognize the billing rates and needs the sewer budget.

East German Street Extension Road Project: Supervisor Frank stated under reports we have a proposal.

Sprinkler System Water Break: Highway Supt. Ward stated he will get to it as soon as they can. Codes: Codes Enforcer Collis stated the neighbors to the bar in East Herkimer are very upset. He stated he spoke to the owner George Aney who was unaware but will speak to those who are running the bar. Collis stated he will be doing an inspection of the building soon as well.

Collis also at stated with the matter on Piper Road di we find out the right of way for the road? Highway Supt. Ward stated he reviewed the maps at the Town Office and it shows it is 23 feet. Attorney Bray stated she has sued us and it was sent in to our insurance company. Supervisor Frank stated we will wait for the insurance company's response.

SunEast Solar Project: Supervisor Frank stated Codes Enforcer Collis received a call from an attorney that they are ready to finish the process of the project. Supervisor Frank stated there are five or six things that need to be done before the permit will be issued.

DYNA Solar: Supervisor Frank stated we did the resolution to start the SEQR process. Supervisor Frank asked the consultant if it was correct to still be calling this project DYNA solar? Joseph Murine stated we can call it HCCC solar as they are doing this project as a special use entity. Town Park: nothing new to report.

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: Tabled.

Cannabis Zoning Regulations: Attorney Bray stated he has a preliminary draft and would like to the board to review it. He will follow up with the state about signage requirements.

Review of 2011 Investment Policy: Supervisor Frank stated he has nothing new to report.

ARPA Funding: Supervisor Frank stated he met with Park Supervisor Kathi Nasypany and Councilman Stalteri to talk about our ideas and concerns for the Town Park. He stated Jim Thatcher will be the grant writer for planning and construction for what we want of our park. He stated the first thing we need to do is see if the school would sell us the land behind the fields. We tried before but the school was going to put a solar farm in and then that fell through. Supervisor Frank stated the pickle ball stripes have been put on the basketball courts and have been being used every day.

Fireworks: Supervisor Frank stated we put together a budget of where we stand and the board all have a copy in their packets. He stated we should send out thank you letters and commitment letters to other municipalities during budget time so they can prepare for next year.

Gros Blvd. Zoning: Nothing new to report.

Updated Zoning Ordinance: Attorney Bray stated he will have a call tomorrow morning with John Layna on this.

Town Park: (Internet) Supervisor Frank stated he hasn't heard back from our Town Park Supervisor about the site plan. He will follow-up with her about this.

10) **New Business.**

Town Park Application: Supervisor Frank stated we have received a request for the use of our town park. The board discussed how the rules and regulations needs to be updated. Supervisor Frank stated he will be in touch with the Town Park Supervisor to work on these for us. The board also agreed there should be a \$100 deposit made, that will be reimbursed once he event has ended and the park supervisor approves no damages were done and that the Park was properly cleaned up.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve the application contingent on the Town Park Supervisors approval as well.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to amend the fee schedule adding an \$100 deposit required with application for use of the Town Park.

CARRIED AYES ALL

11) **Reports.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Quarterly Progress Report for the West Canada Creek Landslide Prevention Project Scoping.

Supervisor Frank stated we haven't even started this but we had to do a report. He stated our consulting firm gave us letters to send out and a legal notice to post for the RFQ.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the WMR Services, LLC Reimbursement Agreement with the Town of Herkimer.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the CME Engineering Group, DPC proposal for Geotechnical Consultation Services for East German Street Extension.

Supervisor Frank stated the engineer has asked us to secure a diver and a surveyor. He has reached out to people for both and is waiting on the proposals. When these things are completed CME will come up with plan. He also stated he has asked another engineer to review what was done and give us a recommendation on how to proceed.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Planning Board Meeting Minutes dated 5/11/22.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

11) Purchase orders and Audit.

There were no purchase orders for this meeting.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Audit dated July 5, 2022. Councilwoman Penree recused herself from the reimbursement bill to herself for the sings bought for the fireworks display celebration.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to go into executive session to discuss litigation and personnel matters.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to close executive session with no decisions made.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to have Highway Superintendent Ward advertise for a temporary medium equipment operator for the Highway Department.

Attorney Bray will draft a resolution for the next meeting.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilwoman Penree, seconded by Councilman Stalteri, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, July 18, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk