

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, July 18<sup>th</sup>, 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-----	Randy Kast
Councilman-----	Vito Carbone
Councilman-----	Daniel Stalteri
Councilwoman-----	Kathy Penree
Highway Supt.-----	Ken Ward
Codes Enforcer-----	Ken Collis
Park Supervisor-----	Kathi Nasypany
Attorney-----	Christopher Bray (came at 7.10PM)
Excused:	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 Councilwoman Penree, to accept and place on file the minutes of the previous regular meeting held on July 5, 2022 as written.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone, to accept and place on file the minutes of the previous special meeting held on July 8, 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.

Town Park Supervisor Kathi Nasypany stated we have received the signs for the park; Field 1, Field 2, Tennis Court and a Pickleball sign. She also stated that she has been notified that the young gentleman who vandalized the town park had been fined and paid for. Supervisor Frank stated we did we a report from probation. They also asked for the cost of damages. So we gave them this information. We haven't received any payment yet. Kathi stated we need a sign from the road indicating where the Town Park is. She stated from the road it's hard to see and find. She will look into the cost to have one made. Supervisor Frank asked where we are with the internet at the Town Park? Councilman Stalteri his printer was down so he wasn't able to get this but its fixed now so he will get it printed and put the dimensions on it. Supervisor Frank stated there is roughly three thousand dollars.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the internet to be put into the town park.

CARRIED AYES ALL

Town Park Supervisor Kathi Nasypany stated she would like to discuss the possibility of starting a farmer's market next year. Supervisor Frank stated we had a business plan made a few years ago with this included. He will look for this paperwork to help Khati with her research.

Supervisor Frank asked if the rules and regulation have been reviewed. Kathi stated that she reviewed them with Clerk DeMetro. Clerk DeMetro will re-type the rules and regulations with the corrections suggested. The board discussed whether or not alcohol and smoking should be allowed

on premises. Councilman Carbone recommended that we check with our insurance company to see what they recommend and/or suggest.

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

CARRIED AYES ALL

**06) Petitions and Communications.**

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

- A. A Certificate of Liability Insurance dated June 15, 2022 for Verizon Communications Inc. policy effective 6/30/22 through 6/30/23.
- B. A letter dated July 8, 2022 from the NYS Division of the Budget concerning the American Rescue Plan Act Local Fiscal Recovery Funds.  
Supervisor Frank stated we received half of the money last year and will be receiving the rest this year.
- C. A letter dated July 15, 2022 from Charter Communication Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- D. A letter and flyer from the AOT and the New York Planning Federation's Fall Planning and Zoning schools.

CARRIED AYES ALL

**07) Routed.**

Motion by Councilwoman Penree, seconded by Councilman Stateri to accept and place on file the Community Foundation Endless Possibilities for Summer 2022.

CARRIED AYES ALL

**08) Resolutions and Local Laws.**

**09) Old Business.**

Water District: Supervisor Frank state we have been picked by random from the EPA to do testing. We had to fill out a form and send it in. Councilman Kast asked if we have to send this in. Supervisor Frank stated there could be consequences. Highway Supt. Ward stated they will take the samples from the pit by the Albany street bridge. He stated the Village is aware. Supervisor Frank stated we have a water meeting scheduled from tomorrow morning.

Mckennan Road Enhancement Project: Supervisor Frank stated he has nothing new to report. We don't have the contacts or the easements still.

West Herkimer Water: Supervisor Frank stated we had the public hearing on the grant opportunity.

East Herkimer Sewer District: Supervisor Frank stated he has nothing new to report on the easements or from the state comptroller.

East German Street Extension Road Project: Supervisor Frank stated he have mailed out and placed in the paper requests for bids of the RFQ for this. We will open bids on August 4<sup>th</sup>.

Sprinkler System Water Break: Highway Supt. Ward stated he will get to it as soon as they can. Codes: Codes Enforcer Collis stated he call Jim Bono about someone taking down the house on Zoller Ave and he gave a contact for places who knock them down between January and March. He is trying to get ahold of the owner still though. Collis also stated that the old school in east Herkimer is for sale if the Town is interested. Supervisor Frank stated this is something that the board will discuss in executive session.

SunEast Solar Project: Supervisor Frank stated Codes Enforcer Collis was told a check was dropped off but no one here has it. Collis will follow-up with them.

HCCC Solar: Supervisor Frank stated we are in the SEQR process with them and they will be meeting with our planning board on August 3<sup>rd</sup> at 6:00PM.

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:

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

ARPA Funding:

Fireworks: Councilwoman Penree stated we had a closing follow-up meeting to discuss the pros and cons of the event. It was a great success and the police presence and traffic control was handled excellent. We need to have improvements for the food. It was a great event and we hope to continue it.

Gros Blvd. Zoning: Supervisor Frank stated Ron Scalise has employed Emrich to do the surveying, who has sent us a map for review. Supervisor sent this map onto Attorney Bray and Planning Board Chairman Gaworecki for review. Attorney Bray stated we have asked for a meeting to further discuss the map he provided.

Updated Zoning Ordinance: Supervisor Frank stated he participated in a phone call with Attorney Bray and the attorney who specializes in the updating and organization of Zoning Ordinances for municipalities. He would have to tell them what we need. We should have the Planning Board Chairman and Zoning Board of Appeals Chairman to meet with us to figure out what we need. Once we know what we need they can give us a price.

Town Park: (Internet) Supervisor Frank stated this has previously been discussed.

Highway Supt. Ward stated his truck is in and the bill is in the audit.

**10) New Business.**

**11) Reports.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the DYNA Solar SEQR Package update received July 12, 2022.

Councilman Kast stated item numbers 7 and 8 need to be updated because this is not a town road and is a county road. Supervisor Frank stated we will be giving this to the Planning Board for review and comment.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the NYSDOH Bureau of Water Supply Protection Application for Approval of Plans for WD #3.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Northern Border Performance Progress Report dated 7/13/22.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the DCO Report for June, 2022 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated July 17, 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 17, 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 18, 2022.

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 Councilman Carbone to authorize the Supervisor to make a purchase offer not to exceed the purchase price to purchase 160 Pine Grove Road. Attorney Bray will contact the realtor for all necessary inquiries.

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, August 1, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk