

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, August 1<sup>st</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  
Councilwoman-----Kathy Penree  
Highway Supt.-----Ken Ward

Excused: Councilman-----Daniel Stalteri  
Codes Enforcer-----Ken Collis  
Park Supervisor-----Kathi Nasypany  
Attorney-----Christopher Bray  
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 Councilwoman Penree, seconded by Councilman Carbone, to accept and place on file the minutes of the previous regular meeting held on July 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.  
Ron Scalise stated he was here to check the status of the re-zoning for parcels on Gros Boulevard? Supervisor Frank stated he met with Ron and the survey team at Emrich to review the survey map. The board reviewed the maps and discussed the zoning changes suggested. He stated Planning Board Chairman Gawrocki made a way for it not to be spot zoning. The board concluded that they will need Attorney Bray to guide us on if a parcel can be zoned two different ways, and if the bus garage and town barn should be changed to commercial as well. Supervisor Frank stated we will ask our council these questions and how to proceed.

Motion by Councilwoman Penree, 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 G listed below.

- A. A letter dated July 15, 2022 from Herkimer County Treasurer, Kimberlee Enea, concerning the Herkimer County Sales Tax apportionment summary for quarter 2 of 2022 based on the 2021 tax roll.
- B. A letter dated July 20, 2022 from NYSDOH Acting Director of Local Programs Bureau, Dawn Arnold, concerning the next quarterly SFY 2022-23 CHIPS, PAVE-NY, EWR and POP reimbursements scheduled.
- C. A letter dated July 22, 2022 from The Association of Towns Executive Director, Gerry Geist, concerning membership dues for 2023.
- D. A letter dated July 25, 2022 from The Herkimer County Fair inviting the town representative to attend the opening ceremony on August 16<sup>th</sup> at 3:00 PM.  
Supervisor Frank stated he will not be able to attend this and if anyone would like to go and represent the town to please let Clerk DeMetro know so she can RSVP.

- E. A Certificate of Liability Insurance dated July 27, 2022 for B & K Fencing LLC policy effective 5/7/22 through 5/7/23.
- F. A letter dated July 28, 2022 from NYS Department of State Building Standards & Codes Oversight Unit, Ronald Stark, concerning the Notice of Determination of Discontinuance for case 5784.
- G. A letter dated August 1, 2022 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.

CARRIED AYES ALL

07) Routed.

08) Resolutions and Local Laws.

09) Old Business.

Water District: Water Supt. Ward stated we fixed two leaks: one on Mckennan Road at the same service we fixed last year and one on Steuben Hill Road. We went from a usage of 21-22k a day to 6-8k a day. He stated he read the meters today and Water Clerk Jodi Rivers will get the bills out when she returns to work.

Mckennan Road Enhancement Project: Highway Supt. Ward stated he talked to Chris Demmy about trying to speed up the process of the plans because we are having issues with the pump house and failing lines. He will do what he can for us.

West Herkimer Water: Supervisor Frank stated the grant was submitted this past Friday.

East Herkimer Sewer District: Supervisor Frank stated the grant application for the USDA has been updated. He also stated we received the Village sewer budget so he was able to re-submit for the grant.

East German Street Extension Road Project: Supervisor Frank stated we expect to receive a report next week from our consultant engineer. Highway Supt. Ward stated he received a dig safely for the drilling so that should be happening soon too. Ward asked if we have heard any news on getting the permit for being able to get into the creek? Supervisor Frank stated Councilman Stalteri had called the County Soil and Water Conservation Dept. looking for information regarding this and was referred to the county Highway. Neither could come up with a permit. Ward will stop in to the Herkimer County Soil & Water District Office and County Highway Dept. and try to get more information on this.

Sprinkler System Water Break: Highway Supt. Ward stated he will get to it as soon as they can. Codes: Codes Enforcer Collis stated he got a call for someone living in a trailer by the bar in East Herkimer. Highway Supt. Ward stated it was a homeless lady that the police made leave. She is no longer there.

Piper Road: Supervisor Frank stated we will open bids on Thursday at 3:00PM for the RFQ's.

SunEast Solar Project: Supervisor Frank stated we are still waiting for the check, decommissioning agreement and the letter saying they are hooking up to the grid.

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. Our consultant attorney has been working on this.

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: Supervisor Frank asked for everyone to send Attorney Bray their comments on the proposed local law.

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

ARPA Funding: Supervisor Frank stated at our last meeting we negotiated putting in a purchase offer for the old school in East Herkimer. We started with offering \$130K and the realtor came back with \$140k. Supervisor Frank stated a consultant also suggested we do phase one study of the building to make sure there is nothing in the ground and in the building. This would cost around \$1,500.

Motion by Councilman Kast, seconded by Councilman Carbone to allow Attorney Bray do a final purchase price of \$140K with the stipulation that everything must be broom clean inside and out at the completion of the sale.

CARRIED AYES ALL

Fireworks: Councilwoman Penree stated we are waiting for an answer from Nick Lanno for a date for next year.

Gros Blvd. Zoning:

Updated Zoning Ordinance:

Town Park: (Internet) Supervisor Frank stated last week we got a call from Spectrum wanting to meet someone at the park and Councilman Stateri was able to do so. He was told that we might need to a new pole and would need a permit for this. Highway Supt. Ward suggested we wait on this because we can possibly use internet from the location of the old school purchase. The board agreed.

10) **New Business.**

11) **Reports.**

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Water and Sewer Meeting Minutes dated June 21, 2022.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Water and Sewer Meeting Minutes dated July 19, 2022.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Cash Report for June, 2022.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Sales Tax Report.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Kast to accept and place on file the Bank Reconciliation Report for June, 2022.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated July 31, 2022.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated July 31, 2022.

CARRIED AYES ALL

11) **Purchase orders and Audit.**

There was one purchase order for this meeting from Justice Petucci to attend the annual magistrates conference.

Motion by Councilman Carbone, seconded by Councilwoman Penree to approve the purchase order from Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Audit dated August 1, 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 Monday, August 15, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk