

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, November 1, 2021 at 6:00PM at the Herkimer Town Hall located at 114 North Prospect Street in Herkimer.  
Supervisor Frank stated he would like everyone to take a moment of silence for the passing of Walt Richards who was very instrument for our town.

**02) Roll Call of Officers**

Present: Supervisor-----Dominic Frank  
Councilman-----Vito Carbone  
Councilman-----Daniel Stalteri  
Attorney-----Christopher Bray  
Codes Enforcer-----Ken Collis  
  
Excused: Councilman-----Randy Kast  
Councilwoman-----Kathy Penree  
Highway Supt.-----David McMannus  
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 Stalteri seconded by Councilman Carbone, to accept and place on file the minutes of the previous Regular Meeting held on October 18, 2021 as written.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilman Stalteri, to accept and place on file the minutes of the previous Special Meeting held on October 20, 2021 as written.

CARRIED AYES ALL

05) **Public Hearing.**  
Supervisor Frank state anyone from the public who would like to address the board regarding the public hearing for the preliminary budget for 2022. He stated inside the Village is being raised .55% and outside the Village within the Town is being raised .77%. The budget addresses need of the town park and highway department.  
No one from the public wished to speak.

Motion by Councilman Stalteri, seconded by Councilman Carbone to close the public hearing for the Preliminary Budget for 2022.

CARRIED AYES ALL

06) **Public Meeting.**  
Supervisor Frank stated anyone from the public who would wish to address the board to please state your name, address and tell us why you are here.  
No one from the public wished to speak.

Several students were also present:  
Laurie Young, Angela Wekelo, Katilyn Orit, Camryn Crossley, Brielle Scanlon, Connor Kuchman, Jacob Huyck, and Brian Reile.

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

CARRIED AYES ALL

07) **Petitions and Communications.**  
Motion by Councilwoman Penree, seconded by Councilman Carbone, to accept and place on file all the petitions and communications 7A through G listed below.

- A. A letter dated October 15, 2021 from Herkimer County Treasurer, Kimberlee Enea, concerning the Sales Tax Apportionment Summary for the 3<sup>rd</sup> Quarter for 2021 based on the 2020 Tax Roll.  
Supervisor Frank stated this is our sales tax report from the county and it is very healthy. We have met our goal for the year.
- B. Part 3 of the Full Environmental Assessment Form dated and signed October 18, 2021 by Village Mayor Mark Netti for the Village of Herkimer Sewer System Improvements Project.
- C. A letter dated October 21, 2021 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- D. A resolution dated October 27, 2021 from the Herkimer County Legislature supporting operation Green Light for active military service members in transition to civilian life.
- E. A certificate of liability insurance dated October 28, 2021 for American Energy, Inc. policy effective 11/10/21 through 11/10/22.
- F. A flyer received October 29, 2021 from the AOT concerning a 2021 Planning and Zoning School being held online only.
- G. An order form from the Association of Towns for various training manuals available.  
Supervisor Frank stated there are various manuals available from the AOT for anyone who would like one.

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Oneida-Herkimer Solid Waste Authority Proposed 2022 Budget item being routed

CARRIED AYES ALL

**08) Resolutions and Local Laws:**

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file and approve Resolution No. 35 of 2021 for Local Law No. 3 of 2021 Dog Control Law and hold a public hearing on it November 15<sup>th</sup> at 6:05 pm.

Attorney Bray stated he redefined the definition of owner that expanded who is liable under ownership. He also changed the number of dogs to not more than three six months or older per residence. He added that service dogs are free with proof and that there will be a fee for second renewal notices that need to be mailed out. He stated that he also penalty fine fees that relate back to Ag. and Markets and that he also made the fees coincide with what are fees are from the humane society. Clerk DeMetro recommended instead of putting an amount in there to state that it will be the same as the current contract fees set by the humane society. Attorney Bray agreed. Councilman Stalteri asked if this law will be allowed to be enforced in the Village as well? Attorney Bray replied stating yes, this is a Town wide local law including the Village because the Village has given up their rights to dog control.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve all three transfers recommended by Supervisor Frank.

CARRIED AYES ALL

**09) Old Business.**

CHIPS 2021: Supervisor Frank stated we will table this for now and that we are just waiting for the money to come in.

East German Street Extension Emergency Road Repair Project: Councilman Stalteri stated the has given us a contact to get the equipment needed to do the work that needs to be done. He came out and looked at everything and feels there is no long term issues as long as we keep doing the annual maintenance.

Water District: Ken Ward stated as of last Wednesday all of the meters have been changed out. He stated one of the new customers we have taken over had a meter that was not working and has only been charged a minimum bill for over a year now. Mr. Ward figures they actually have used roughly 84,000 gallons a year after checking the average daily use. Supervisor Frank stated we are working with the Village to resolve this issue. Mr. Ward also stated we will be turning off the water on Hyland/Beardslee Ave. to listen for possible leaks.

Mckennan Road Enhancement Project: Attorney Bray stated he spoke to the Simpsons and showed them the drawing from the engineer but they would like to see it staked out so he will be asking the engineer to come back out and do so. This will need to be done for the County to review as well.

West Herkimer Water: Supervisor Frank stated he gave the board a contract to review and that would consultant engineer will be at our next meeting for any questions we may have.

East Herkimer Sewer District: Attorney Bray stated the School has agreed to the easement and that we just need to sign it and get it to them. Bray stated he has to review the trust for one of the other easements and then will go try to meet with the two residents we still need them from. Supervisor Frank stated he attended a webinar that the USDA held in September and met with a local representative last week as well. An email from the representative today indicated that our project is approvable to apply for grant funding and low interest loans. We will need a consultant engineer to work on our behalf to apply.

Codes: Codes Enforcer Collis stated he's got things ready to condemn the Rubino property. He stated he tried to call social services about the kids being there but nothing has been done by them. He will work with Attorney Bray throughout the process of condemning the property to make sure everything is done properly.

Codes Enforcer Collis asked what the status was for the Zoning on Gros. Blvd? He stated the planning board agrees it should be changed but board approval is needed to do so. Supervisor Frank will ask the planning board to meet and give their recommendation.

NYMIR:

Land Bank: Supervisor Frank stated he has had email communication relative for the need of another round of funding from the Zombie Grant.

Dog Control Local Law: Was previously discussed.

Subdivision Local Law: Tabled.

SunEast Solar Project: Supervisor Frank stated there is nothing new to report.

Active Fire Department Members Tax Exemption: Tabled.

Annual Court Audit for 2021: Councilman Stateri stated he has reached out to the Justice's and we will be setting a meeting up in December for this.

Cell Towers and Town Zoning ordinance: Attorney Bray stated he has no new information on this. Valley Residential Water: Supervisor Frank asked if the water issue has been fixed? Ken Ward stated Valley Residential had someone come out and look at it and they were told nothing is wrong with it. Supervisor Frank stated they still have an outstanding water bill because of this and another one will be coming out soon as well. Mr. Ward stated he will data log it tomorrow to check it again.

AOT Designation of Delegate: Tabled.

#### 10) **New Business.**

Special Authorization Application: Supervisor Frank stated this is basically the same that we use for solar with the solar verbiage taken out.

Motion by Councilman Carbone, seconded by Councilman Stateri to accept, place on file and approve the Special Authorization Application.

CARRIED AYES ALL

Supervisor Frank stated we will hold an informational meeting on the new marijuana and enforcement law and will publish the press release in the newspaper to hold it at 6:10 pm at our next Regular Meeting held on November 15, 2021.

#### 11) **Reports.**

Motion by Councilman Carbone, seconded by Councilman Stateri to accept and place on file the East Herkimer Fire District 2022 Budget Summary.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilman Stalteri to accept and place on file the Tax Cap Form for fiscal year ending 12/31/2022 that was submitted on November 1, 2021 at 11:10 am.

CARRIED AYES ALL

Motion by Councilman Stalteri seconded by Councilman Carbone to accept and place on file the Compliance Review Questions for Board Members from the USDA/Rural Development. Supervisor Frank stated everyone has filed this out besides Councilwoman Penree.

CARRIED AYES ALL

Motion by Councilman Stalteri seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for September, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilman Stalteri to accept and place on file the Cash Report for September, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilman Stalteri to accept and place on file the Sales Tax Report dated 11/1/2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilman Stalteri to accept and place on file the Town Clerks Report for October, 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri seconded by Councilman Carbone to accept, place on file and approve the Auctions International bids for highway equipment.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Trial Balance Report date October 29, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated October 29, 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and adopt the 2022 Preliminary Budget.

CARRIED AYES ALL

**12) Purchase orders and Audit.**

Purchase Order: There were no purchase orders submitted for this meeting.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the audit dated November 1, 2021.

Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to go into executive session to discuss negotiations.

CARRIED AYES ALL

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

CARRIED AYES ALL

**13) Adjourn.**

Motion by Councilwoman Penree, seconded by Councilman Stalteri to adjourn until our next Regular Meeting to be held on Monday, November 15<sup>th</sup>, 2021 at 6:00PM at the Town Hall located at 114 N. Prospect Street in Herkimer.

CARRIED AYES ALL

*Jennifer M. DeMetro, Herkimer Town Clerk.*