

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, November 21, 2022, at 6:00PM telephonically, virtually or in person at the Town Hall located at 114 N. Prospect Street in Herkimer.

02) Roll Call of Officers

Present:	Deputy Supervisor-----Daniel Stalteri
	Councilman-----Randy Kast
	Councilman-----Vito Carbone
	Highway Supt.-----Ken Ward
	Attorney-----Christopher Bray
	Codes Enforcer-----Ken Collis
Excused:	Supervisor-----Dominic Frank
	Deputy Attorney-----Kyle Crandall
	Park Supervisor-----Kathi Nasypany

03) Pledge of Allegiance to the Flag.
Councilman Kast led us in the Pledge of Allegiance to the Flag.

04) Reading of the Minutes.
Motion by Councilman Carbone, seconded by Councilman Kast, to accept and place on file the minutes of the previous regular meeting held on November 1, 2022 as written.

CARRIED AYES ALL

05) Public Meeting.
Deputy Supervisor Stalteri stated if anyone would like to address the board to please state you name, address, and tell us why you are here.

No one from the public wished to speak.

Motion by Councilman Carbone, seconded by Councilman Kast 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 L listed below.

- A. A letter dated November 1, 2022 from Attorney Bray to Mr. Capecelatro formally withdrawing the purchase offer made on May 21, 2021 for the property located on Arthur Street, owned by Michael Lennon.
- B. A letter dated November 2, 2022 from Supervisor Frank to Workforce Development Board Executive Director, Alice Savino supporting the Workforce Development Board’s Transportation Sector Training Project.
- C. A letter dated November 3, 2022 from Supervisor Frank to Herkimer County IDA Chief Executive Officer, John Piseck requesting assistance to repurpose the former school on Pine Grove Road by determining its best use and forming a strategy.
- D. A Certificate of Liability Insurance dated November 3, 2022 for Tesla Energy Operations, Inc. effective 10/31/2022 to 10/31/2023.
- E. A letter dated November 4, 2022 from Supervisor Frank to Village of Herkimer Mayor Sherry, concerning mutual aid for water used from the East Herkimer Volunteer Fire Department to help combat a barn fire that took place on October 25, 2022 in the Town of Little Falls.
Deputy Supervisor Stalteri stated it is his understanding that the Village is going to give us the credit.
- F. A Certificate of Liability Insurance dated November 10, 2022 for American Energy Care, Inc. effective 11/10/2022 to 11/10/2023.
- G. A letter dated November 10, 2022 from NYS Office of Community Renewal President, Crystal Loffler, concerning our CDBG Program Consolidated Funding Application.

- H. A letter of support dated November 15, 2022 from Supervisor Frank to USDOT Secretary Pete Buttigieg for the Authority and SMART grant application.
- I. A letter dated November 15, 2022 from NYSDOT Regional Planning and Program Manager, Deborah Windecker, concerning the Governor's 5-year Capital Program and BRIDGE NY.
- J. A Resolution from the Herkimer County Legislature dated November 16, 2022 authorizing the cancellation of outstanding tax liens for 202 Zoller Ave. in the Town of Herkimer. Deputy Supervisor Stalteri stated Herkimer County has agreed to forgive the outstanding the tax liens if the Town takes ownership. Attorney Bray stated were not taking ownership until he does a search of the property to make sure there are no other judgements.
- K. A letter dated November 18, 2022 from the Mohawk Valley Economic Development District concerning Creative Resiliency in the Mohawk Valley.
- L. A letter dated November 18, 2022 from Charter Communications Director of Government Affairs, Alive Kim, concerning a communications notification.

CARRIED AYES ALL

07) Routed.

08) Resolutions and Local Laws.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 37 of 2022 Certifying Application to NYS Comp. for the E.H.S.D. Attorney Bray stated in dealing with the comptroller there is a limited amount of items left. He stated this one is similar to the one we previously passed but the state comptroller wanted us to add statutory language required. This resolution encompasses that. He read the changes. They also asked for a letter from our attorney stating this is sufficient which he will send in with the updated resolution.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 38 of 2022 Authorizing the Highway Supt. to make improvements on Private Property for a cost of \$20,645.00.

Attorney Bray stated he called the Associates of Towns to ask if this would be allowed since the improvements by the Town caused the erosion and is not fixed would cause damage to our property. They AOT said this is allowed under the circumstances and that we pass a resolution to protect our property.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve Resolution No. 39 of 2022 Authorizing the Supervisor to enter into an agreement relative to 202 Zoller Ave. Attorney Bray stated Herkimer County will create an agreement. It will include language stating that if the Town eventually sells the property, the Town would get back what they put into it and then the rest would go to the County. He stated as previously discussed a judgement search will be done first before entering any agreements.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 40 of 2022 of the Water Tax Lien List.

Deputy Supervisor Stalteri stated this is customary and done every year by Jodi Rivers.

CARRIED AYES ALL

Attorney Bray stated we have two more proposed resolutions for tonight. The first is to amend the numbering of the local laws passed in 2022 since Local Law No. 1 of 2022 failed the mandatory referendum, therefore we will have to renumber the rest of the local laws passed in 2022 to have the proper numeration to send to the state.

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve Resolution No. 41 of 2022 Amending numbering of Local Laws Passes in 2022

CARRIED AYES ALL

Attorney Bray stated the second proposed resolution is for the introduction of Local Law No. 3 of 2022 which allows participation in public board meetings via videoconferencing where extraordinary circumstances exist.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 42 of 2022 introduction of Local Law No. 3 of 2022.
The public hearing will be set for December 5th, 2022 at 6:05 PM.

CARRIED AYES ALL

09) Old Business.

Water District: Water Supt. Ward stated he has nothing new to report.

Mckennan Road Enhancement Project: Nothing new to report.

West Herkimer Water: Nothing new to report.

East Herkimer Sewer District: Nothing new to report.

East German Street Extension Road Project: Deputy Supervisor Stalteri stated under reports we received the survey report via email. We asked if we need to continue surveying it since there has been little movement so we are waiting for a response. Highway Supt. Ward stated he spoke to the State about the permanent access request and he was told Herkimer County agencies didn't have a problem with it and that a team in Utica is reviewing it now for the State. If approved, it will give us two options; to keep it as a town road or to make it a permanent driveway.

Shells Bush Road Solar Project: Nothing new to report.

Codes: Nothing new to report.

Piper Road: Nothing new to report.

Landbank: Deputy Supervisor Stalteri stated there was an issue with a pipe freezing. All residents but one had left their water running so it wouldn't freeze and the one that didn't, ended up with a frozen pipe. It has been fixed and they will leave the water running from now on. He stated the bids for demo and site work are to be turned in by December 7th with an opening date of December 19th.

NYMIR Risk Control Resurvey Report: Supervisor Frank state he has nothing new to report.

Subdivision Local Law: Nothing new to report.

Cell Towers' and Town Zoning Ordinance: Nothing new to report.

Review of 2011 Investment Policy: Nothing new to report.

ARPA Funding: Nothing new to report.

Updated Zoning Ordinance: Nothing new to report.

Town Park: Highway Supt. Ward stated the town park is closed for the season.

10) New Business.

Highway Seasonal Employees Start and Finish Dated: Highway Supt. Ward stated as previously discussed he would like to get on the record the state and finish date for seasonal employees. The board agree to a start date of November 15th and a finish date of April 15th.

Motion by Councilman Kast, seconded by Councilman Stalteri to approve Resolution No. 36 of 2022 for the seasonal start and finish date for seasonal employees from November 15th to April 15th.

CARRIED AYES ALL

11) Reports.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Proposal for Phase II ESA of 160 Pine Grove Road.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the East German Street Ext. Survey Map and Monitoring Plate Data Sheets by Moore Land Surveying, P. C.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the West Canada Creek Landslide Prevention Scoping Project Proposal to do the study.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the West Canada Creek Landslide Prevention Scoping Project RFQ.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the West Canada Creek Landslide Prevention Scoping Project award letter.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Emergency Orders dated 11/3, 11/8, 11/13 and 11/18 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Renewal State of Emergency Declaration dated November 9, 2022.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Bank Reconciliation Report for September, 2022.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated November 18, 2022.

CARRIED AYES ALL

11) Purchase orders and Audit.

Motion by Councilman Carbone, seconded by Councilman Kast to approve the purchase order for Erosion Repairs at the East Herkimer Water Tank.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Audit dated November 21, 2022. Deputy Supervisor Stateri recused himself from the Hummel's bill.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Carbone, seconded by Councilman Kast, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, December 5, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk