

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, December 5, 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: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilman-----Vito Carbone
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis
Park Supervisor-----Kathi Nasypany

Excused: Councilman-----Randy Kast
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 November 21, 2022 as written.

CARRIED AYES ALL
05) Public Hearing.
Supervisor Frank read the legal notice for the public hearing on Local Law No. 3 of 2022 that would allow members of the Town Boards, Commissions and Committees to participate in Public Body Meetings via videoconference. Supervisor Frank asked if anyone from the public would like to speak relative to this issue. No one from the public wished to speak.

Motion by Councilman Carbone, seconded by Councilman Stalteri to close the public hearing for Local Law No. 3 of 2022.
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.
No one from the public wished to speak.

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

CARRIED AYES ALL
07) Petitions and Communications.
Motion by Councilman Stalteri, seconded by Councilman Carbone, to accept and place on file all the petitions and communications 7A through E listed below.

- A. A letter dated November 28, 2022 from National Grid concerning their system improvement project to install advanced metering technology.
- B. A letter dated November 28, 2022 from NYS Canal Corporation Director of Environment, Health and Safety, James Candioro, concerning the Final Embankment Maintenance Guide Book.
- C. A letter dated November 29, 2022 from NYSDOH Chief of Design Section and DWSRF Program Manager, David Phillips, concerning the DWSRF Base Hardship financing award for the West Herkimer WD Extension No. 1.
Supervisor Frank stated he would like to point out that we were re-awarded funding and the low interest loan for this project.
- D. A letter dated November 30, 2022 from Charter Communications Director of Government Affairs, Alive Kim, concerning a communications notification.

E. An email dated December 5, 2022 from Herkimer County IDA Chief Executive Officer, John Piseck, concerning Phase II environmental study for 160 Pine Grove Road. Supervisor Frank stated the HCIDA board authorized the IDA to help us with satisfying the requirements of the spill at the old school. Attorney Bray stated he spoke to Mr. Piseck who advised that we wait to till the Phase II is done before we close on this property. He stated he spoke with the seller's attorney and they are working on drawing up the proper paperwork giving access to do the Phase II on the property.

CARRIED AYES ALL

07) Routed.

08) Resolutions and Local Laws.

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve the Budget Amendment suggested by Supervisor Frank.
Supervisor Frank stated this is to bring more chips funding in to offset the expense side.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 43 of 2022 for Local Law No. 3 of 2022.

CARRIED AYES ALL

09) Old Business.

Water District: Water Supt. Ward stated they are still looking for a leak in East Herkimer that they haven't been able to find yet. He also stated the work has been completed and the bill is in the audit for tonight for the work done to control the erosion at the water tank in East Herkimer. He stated everyone is happy and it seems to be working good. Supervisor Frank asked if the bill is consistent with the quote? Ward replied stating yes, it is.

McKenna Road Enhancement Project: Supervisor Frank stated the plans are still being reviewed and that he has been in contact with the Department of Health. Highway Supt. Ward stated two customers are without water because their shared booster pump failed. This is not our fault and the residents will have to make the necessary repairs.

West Herkimer Water: Nothing new to report.

East Herkimer Sewer District: Supervisor Frank stated we have corresponded with the USDA a week ago and we received a response back today stating they are still reviewing it and we should have a response by the end of the week. Attorney Bray stated he spoke to the trustee for the Lahey property and he hadn't received the last email sent to him. We now have his updated email address and confirmed he received the documents sent. Once this paperwork is signed and returned to us, we can move forward with the process of asking Berkshire Bank to release this portion of the property from the mortgage. Supervisor Frank asked if we have made a deposit for this property yet? Attorney Bray stated the purchase price is only \$3,400 so we have in the agreement that it will be paid in full at the closing. Attorney Bray stated he has spoken to the state comptroller's office who is lastly asking the status of the USDA and proof of commitment from them. Supervisor Frank stated he can provide email correspondence with a punch list of requirements in order to receive the funding from them.

East German Street Extension Road Project: Highway Supt. Ward stated Supervisor Frank asked him to put together an estimated cost of what it cost to remove the weight of the road and the total came to \$10,393.47. Supervisor Frank stated he will create a report with a list of all of our expenses and have it ready for our next meeting. Councilman Stalteri stated he spoke to the engineer and asked if we need to continue doing the surveying. He stated the recommendation is that we continue but not do it as often, once a month till July, 2023. He will be getting us a quote to do so from the surveyor. Councilman Stalteri asked if there is a concern for the pipes freezing near the hole? Highway Supt. Ward stated we could put quilts over it but he thinks we will be fine as long as we get some snow.

Shells Bush Road Solar Project: Supervisor Frank stated in the audit you will see the final payment to the consultant attorney and consultant engineer. We had to wait to pay them until the developer had put the rest of the money in to cover these.

Codes: Attorney Bray stated he is working with the abstract office and title insurance for the Zoller Ave. property. He stated the preliminary review looks like it will be ok because the property is in an LLC not the owners name. He stated the title won't be issued until the abstract is complete. We also need the abstract in order to sell it. He stated this will cost a couple hundred dollars and should have the abstract back within a week or two. He stated as long as this comes back good we can take ownership and the deed can be signed over to the town. Once we take ownership the county will forgive the back taxes that add up to roughly twenty-thousand dollars. Piper Road: Supervisor Frank stated the study will be underway and that we have the executed contract under reports.

Landbank: Councilman Stalteri stated two modular homes are underway in the factory and will be placed in January. Another two modular homes will be ready in March. The last two will be in the summer. He stated site work will begin with the demoing of four trailers. The site work will include the water lines and each home will have its own meter.

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.

Review of 2011 Investment Policy: Tabled.

ARPA Funding: Nothing new to report.

Updated Zoning Ordinance: Tabled.

Town Park: Town Park Supervisor Nasypany stated she mailed out all the letters for a potential farmers' market and gave them until the beginning of the new year to respond. We have received three positives, two maybes and four noes' so far.

10) New Business.

11) Reports.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the executed contract with CT Males for the West Canada Creek Landslide Prevention Scoping Project.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated 11/23, 11/28 and 12/3 for East German Street Extension.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

11) Purchase orders and Audit.

There were no purchase orders for this meeting.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Audit dated December 5, 2022. Deputy Supervisor Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Carbone, 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, December 19, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk