

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, December 19, 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 (virtually)
 Councilman-----Daniel Stalteri
 Councilman-----Randy Kast
 Councilman-----Vito Carbone
 Highway Supt.-----Ken Ward
 Attorney-----Christopher Bray
 Codes Enforcer-----Ken Collis

Excused: Park Supervisor-----Kathi Nasypany
 Deputy Attorney-----Kyle Crandall

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 Stalteri, seconded by Councilman Carbone, to accept and place on file the minutes of the previous regular meeting held on December 5, 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.

No one from the public wished to speak.

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

CARRIED AYES ALL

06) Petitions and Communications.
Motion by Councilman Stalteri, seconded by Councilman Carbone, to accept and place on file the petition and communication listed below.

A. A letter dated December 16, 2022 from Charter Communications Director of Government Affairs, Alive Kim, concerning increases in programming fees.

CARRIED AYES ALL

07) Routed.

08) Resolutions and Local Laws.

Attorney Bray stated there are not resolutions or local laws for today.

09) Old Business.

Water District: Water Supt. Ward stated he had Steve from Rural Water come to help find the leak in East Herkimer. We found a leak on Palisades Street and there might be a second leak nearby as well. The Village will fix it for us. Supervisor Frank stated that he is glad the leak is fixed because we received our bill from the Village for the East Herkimer Water District and the bill was for around \$90K, which is significantly higher than normal. Some of this is because of the barn fire that was in Little Falls but most of it was because of this leak. The Village will be correcting our bill for the water used at the fire and we are still waiting for this correct bill. Ward also stated he met with David Dardzinski from the Landbank about the water and they agreed how each home will have its own meter. They asked about taking out the curb stop and master meter to save money since each home will now have its own. He stated he doesn't see a problem with this but told them he would run it by the board first. The board agreed. The other thing the Landbank asked for was even though there will be multiple meters, to have one bill sent directly to the Landbank

for all. Supervisor Frank stated he will check with Water Clerk Rivers to see if this is possible. Ward stated he received a call last week for a house on Fols Road that wants to hook-in to the water but are not currently in the district. Supervisor Frank stated since they are outside the district they would be responsible for the expense to build and maintain it. They would need engineered plans to our specs that we as well as the County will have to approve, then we would have to have an out of district agreement for them to purchase the water from us. Ward stated they will also need the County's approval to go under the road. Supervisor Frank stated we will need a formal request from the resident for the process to begin.

Mckennan Road Enhancement Project: Supervisor Frank stated the plans are still being reviewed. He stated he is unsure when we hear back. Highway Supt. Ward stated he put a call into Chris Demmy but have not heard back yet either.

West Herkimer Water: Nothing new to report.

East Herkimer Sewer District: Attorney Bray stated he has two things that need to be done with the Lahey property; the first is we need Mr. Lahey to sign the documents that have been sent to the Pastor Massive and the second requesting the mortgage release from Berkshire Bank for the portion of the property we are looking to purchase. He also stated the comptroller's office has everything now and we are just waiting to hear back from them. Supervisor Frank stated he has not heard anything from the USDA. He stated he has sent an email but still hasn't heard a response back.

East German Street Extension Road Project: Supervisor Frank stated under reports we have the proposal for the surveyor with the quote stating not to exceed twelve months but we might not need the whole twelve months. Councilman Stalteri stated it's not that much money so he thinks we should do it.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve the proposal.

CARRIED AYES ALL

Shells Bush Road Solar Project: Supervisor Frank stated he hasn't heard anything from the developers but they have the conditions that need to be met.

Codes: Codes Enforcer Collis stated a couple of weeks ago he heard from AMP Energy for Edgar street in East Herkimer and he emailed them but hasn't heard back yet. He stated he received a permit for Heidelberg on Route 28 to reopen the bakery and expand the restaurant. He also received a permit for a guy putting a fence up at the old funeral home on Route 5. He will be storing equipment there. The state has approved the fence design.

Zoller Ave: Attorney Bray stated we are still waiting for the title report to come back before we can proceed.

Piper Road: Supervisor Frank stated the consultant will start doing soil borings in mid-January. We are going to send letters to the residents near this area letting them know of this.

Landbank: Supervisor Frank asked if they have a contract for the site work? No one has heard so Councilman Stalteri will reach out to them to follow up on this.

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: Supervisor Frank stated we are going to review this at our organizational meeting in January.

ARPA Funding: Nothing new to report.

Updated Zoning Ordinance: Tabled.

Town Park: Attorney Bray stated he has had a conversation with the seller's attorney because we need permission to go on the property for the Phase II but they have some concerns. He stated we are in the process of negotiating the access.

Fireworks: Supervisor Frank asked where we were at with this? Councilman Carbone stated we are going to have a meeting after the holidays.

10) New Business.

Supervisor Frank stated he met with a solar company out of Chicago last week who identified they are looking the property west of the HCCC property. Because the proposed solar project is 200 MB it speaks to a new solar law that takes the review and permitting away from us and the put it's in

the State’s hands. He stated they are in the very preliminary stage. Attorney Bray stated he believes the Towns solar ordinance still needs to be met as well. He will look into this further. Supervisor Frank stated he spoke to them about the issues with flooding and the watershed near bye this location but we will see how things develop.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the NYSDHSES Federal Funding Accountability & Transparency Act Subrecipient Information Sheet dated 12/8.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the ERISA Section Compensation Disclosure Statement with Adirondack Financial Services’ dated 12/8/22.

Supervisor Frank stated as you recall they are our broker for medical insurance.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the East German Street Extension 2022 Cost Report.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Orders date 12/8, 12/13 and 12/18 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Renewal State of Emergency Declaration dated 12/8 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the East Herkimer Fire District Commission Certificate of Canvass of Election of Fire Officers.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated December 16, 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 16, 2022.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, second by Councilman Kast to close executive session and to resume regular meeting of the Town Board. Discussion; No decisions were made in executive session.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to except the resignation with regrets of Richard Kast from the Highway Department effective 12/24/2022.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to authorize the Supervisor to sign an agreement with the seller of 160 Pine Grove Road provided the seller agrees to terms set forth by the Town of Herkimer.

CARRIED AYES ALL

11) Purchase orders and Audit.

There were no purchase orders for this meeting.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Audit dated December 19, 2022. Deputy Supervisor Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Stalteri, seconded by Councilman Carbone, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Special Meeting to be held on Thursday, December 29, 2022 at 10:00AM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk