

01) Supervisor Frank called to order the **Organizational Meeting** of the Town Board of Herkimer held on Tuesday, January 3<sup>rd</sup>, 2023, at 6:00PM telephonically and virtually.

**02) Roll Call of Officers**

Present: Supervisor-----Dominic Frank  
 Councilman-----Randy Kast  
 Councilman-----Daniel Stalteri  
 Councilman-----Vito Carbone  
 Highway Supt.-----Ken Ward  
 Attorney-----Christopher Bray  
 Codes Enforcer-----Ken Collis

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

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 special meeting held on December 29<sup>th</sup>, 2022 as written.

CARRIED AYES ALL

05) **Public Meeting.**  
 Supervisor Frank stated he would like to start the meeting with wishing a Happy New Year to everyone. 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 all the petition and communication 6A listed below.

- A. A letter of support dated January 2, 2023 from Supervisor Frank for the application of the Friends of Historical Herkimer County for grant funding.
- Supervisor Frank stated this is a letter of support from us for the Friends of Historical Herkimer County.

CARRIED AYES ALL

07) **Routing.**  
 08) **Resolutions.**  
 Supervisor Frank stated he is appointing Councilman Daniel Stalteri as Deputy Supervisor.

Motion by Councilman Kast, seconded by Councilman Carbone to approve Resolution No. 1 of 2023 - Banking Resolution Authorizing Supervisor Frank and Deputy Supervisor Stalteri to handle banking responsibilities in 2023, upon signature filing, with M&T Bank, Adirondack Bank and NBT Bank.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to approve Resolution No. 2 of 2023- Town of Herkimer Official Undertaking of Municipal Officers.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to approve Resolution No. 3 of 2023- Town of Herkimer Code of Ethics/Conflict of Interest form.

Clerk DeMetro reminded everyone to fill out their conflict-of-interest forms and return them to back to her.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve Resolution No. 4 of 2023- Town of Herkimer Civility Code.

CARRIED AYES ALL

Supervisor Frank stated we will need to table Resolution No. 5 of 2023- Fixed Salary Resolution - Town of Herkimer salaries/salary schedule as they have not yet been submitted to Clerk DeMetro.

TABLED

Motion by Councilman Carbone, seconded by Councilman Stalteri to approve Resolution No. 6 of 2023- Mileage Resolution -Setting mileage reimbursement per IRS reimbursement standard.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to approve Resolution No. 7 of 2023- Meeting Resolution -Setting Town Board meeting schedule.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file and approve Resolution No. 8 of 2023- Specifying the Number of Highway Employees.

CARRIED AYES ALL

**09) Old Business.**

Water District: Highway Superintendent Ward stated they have cleaned up where the break was in the East Herkimer Water district and put cold patch in.

Mckennan Road Enhancement Project: Codes Enforcer Collis stated some of the residents of Mckennan Road have asked about the stated of the water district. Supervisor Frank stated we will go out for bid in the spring and we hope for completion during the first quarter of 2024. West Herkimer Water: Supervisor Frank stated he has nothing new to report.

East Herkimer Sewer District: Attorney Bray stated we have one final issue with the comptrollers' office and he already spoke to Jeff Tresiak who will be getting us this information tomorrow. The question was due to the rate change. Jeff will get us what we need. Attorney Bray stated with the Lahey property we do have some progress. He also stated that he spoke with Pastor Massiv and have an executed contract, as well as he met with Mr. Layeh and he signed off as well. The only thing we are waiting on is the response from Berkshire Bank. Mr. Lahey is aware of the situation and that the bank may want some of the purchase money to go towards the mortgage. Mr. Lahey signed off for allowing Attorney Bray to talk to the bank. He stated he has reached out to the branch manager who is going to follow-up with the back office for the status on this. The board has already approved Supervisor Frank to sign the contract when we are ready as well. Codes: Codes Enforcer Collis stated last year the State updated the minimum standards of uniform codes. Each municipality needs a local law stating Enforcement of the State's new uniform code. Supervisor Frank stated he is aware and that we have done this before.

Zoller Ave: Attorney Bray indicated at our last meeting that he had received correspondence from the title company. He has since been able to review them and stated the response from the title insurance was that there is a gap in the title. He stated there is nothing on record showing the change of ownership from Mary Pritchard to James Hutton and Mr. Hutton has a federal tax lien of \$45k. Bray stated the County took the property from James Hutton but there is no deed showing how he got it, so we have no idea when he did so. We need a deed showing how he got title to this property. After the County took ownership they gave the property to FB Torres LLC who is now the current owner. Bray stated he is not sure if was properly foreclosed but he will do more research and get back to us. He stated normally when a property is foreclosed, the federal tax liens are taken off. He stated as of right now this property is not on the tax auction list. He

stated this title is a disaster and more digging needs to be done. It's still a possibility but we need to be careful.

Piper Road: Supervisor Frank stated the consultant engineers will be on site to mark where the soil borings will be next Tuesday at 10:00AM. Highway Supt. Ward and himself will be there as well.

NYMIR Risk Control Resurvey Report: Tabled.

Landbank: Supervisor Frank stated he has nothing new to report.

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Tabled.

ARPA Funding: Tabled.

Updating Zoning Ordinance: Tabled.

Town Park: Attorney Bray stated we are waiting to hear back from the sellers' attorney.

AOI Designation of Delegate: Supervisor Frank stated he plans to attends and would be honored to be the delegate again this year. He is unsure who else is going to be able to appoint an alternate.

Motion by Councilman Stalteri, seconded by Councilman Carbone to appoint Supervisor Frank as the Association of Towns Designation of Delegate for the Town of Herkimer.

CARRIED AYES ALL

Fireworks: Tabled.

Annual Policies to review: Supervisor Frank stated he would suggest that the board review these and then we can vote on them at our next meeting. The board agreed.

- Investment Policy.
- Purchase Order Policy.
- Depreciation & Fixed Assets Policy.
- Town employee seminar/training reimbursement policy with board approval.

**10) New Business.**

**Appointments for 2023:**

Motion by Councilman Carbone, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Jodi Rivers be re-appointed as the Town of Herkimer Water Clerk for a one-year term, 01/01/23 to 12/31/23.

CARRIED AYES ALL

Deputy Water Clerks for a one-year term, 01/01/23 to 12/31/23.

TABLED

Deputy Receiver of Taxes for a one-year term, 01/01/23 to 12/31/23.

TABLED

Deputy Town Clerk for a one-year term, 01/01/23 to 12/31/23.

TABLED

Deputy Registrar of Vital Statistics for a one-year term, 01/01/21 to 12/31/21.

TABLED

Motion by Councilman Kast, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Kyle Crandall be appointed as the Deputy Town Attorney for a one-year term, 01/01/23 to 12/31/23.

CARRIED AYES ALL

Supervisor Frank stated he will be re-appointing Amanda Viscomi as the Town of Herkimer Bookkeeper for a one-year term, 01/01/23 to 12/31/23.

CARRIED AYES ALL

Supervisor Frank stated he will be re-appointing Marcia Baylor as the Town of Herkimer Budget Officer for a one-year term, 01/01/23 to 12/31/23.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Erica Duntton be appointed as the Dog Control Officer for the Town and Village of Herkimer for a one-year term contingent on contract, 01/01/23 to 12/31/23. Supervisor Frank stated we need to renew the contract. Attorney Bray stated he needs to update the contract specifying if a DCO appoints an assistant than it is at her expense. Also in the new contract she is required to attend the first meeting of each quarter for a status update. Supervisor Frank will get in touch with her and have a signed contract for our next meeting.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Alan Richard be re-appointed as the Town of Herkimer Planning Board Member for a five-year term, 01/01/23 to 12/31/27.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Dan Wellington be re-appointed as the Town of Herkimer Zoning Board of Appeals Member for a five-year term, 01/01/23 to 12/31/27.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Jennifer DeMetro be re-appointed as the Town of Herkimer Fair Housing Officer for a one-year term, 01/01/23 to 12/31/23.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Brian Keeler be appointed as the Town of Herkimer Town Computer Technician for a one-year term, 01/01/23 to 12/31/23.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that TimesTelegram be named as the Official Town Newspaper for the Town of Herkimer.

CARRIED AYES ALL

Town of Herkimer Fee Schedule: The board has agreed to table this for further review.

TABLED

**11) Reports.**

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Emergency Orders dated 12/23/22, 12/28/22 and 1/2/23 for East German Street Ext.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Supervisor Frank stated he did receive an email from DASNY stating that more paperwork needs to be filled out for the \$50k from Assemblyman Smullen for the excavator. He will get the paperwork done and then we should receive this money.

**11) Purchase orders and Audit.**

There were no purchase orders for this meeting.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Audit dated January 3, 2023.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilman Stalteri, seconded by Councilman Kast, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Tuesday, January 17<sup>th</sup>, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk