

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, October 4th, 2021 at 6:00PM at the Herkimer Town Hall located at 114 North Prospect Street in Herkimer.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Vito Carbone
Councilman-----Daniel Stalteri
Councilwoman-----Kathy Penree
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis

Excused: Councilman-----Randy Kast
Highway Supt.-----David McMannus
Deputy Attorney-----Kyle Crandall

03) Pledge of Allegiance to the Flag.

Councilwoman Penree led us in the Pledge of Allegiance to the Flag.

04) Reading of the Minutes.

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

CARRIED AYES ALL

05) 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.

Gina Werczynski of 775 Eatonville Road stated she is here with the Manager Melissa of the Herkimer County Humane Society to discuss the impact of all the seized dogs is having on the staff and the extensive cost for them as well as the Town. She stated seizing the dogs does not solve the problems were having. She stated since Friday the Towns bill is up to \$775.00. Melissa stated there were five dogs brought in and fourteen more that are supposed to be coming that are not adoptable and the staff cannot handle them. There is a guy living at Rubino's trailer park that is calling it a rescue but they are not maintaining the health and safety of these animals. Dog fights have been going on and one was left in the driveway to bleed to death. Councilman Stalteri stated we are working on making our local laws stronger and at the same time we only contract with our DCO to work within a certain scope. We will have to evaluate this more and further discuss this with her. He stated there are bills being put through to the senate for some of the things we want to address and we don't want to make a town law that is already a state law that should be followed. He stated we are aware that we need to make a limit of dogs per residence as well as get control of the breeding and inbreed issues. We are in the process of researching and working on a stricter local law. Legislator Robert Schrader stated there needs to be something in the local law that holds the landlords responsible for the costs. Almost all of the cases that are causing the major issues are tenants and the landlords should be held accountable for these cost instead of the Town being left with it. Gina Werczynski stated one of the major issues is the repeat offenders. We take a dog away from someone and then they just go get another one and the cycle repeats itself. Attorney Bray stated we need to expand the definition of owner in our local law to hold the landowner responsible. Supervisor Frank stated we should sit down with the Village, our DCO and some people from the Humane Society to work out a plan of attack and work together to make stronger local laws. Everyone agreed.

Two students were also present:

Daniel Gali of 535 E. Albany Street and Nick Lyga of 472 Folts Road.

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

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Councilwoman Penree, seconded by Councilman Carbone, to accept and place on file all the petitions and communications 6A through H listed below.

- A. An email and report received September 20, 2021 from the Officer of the State Comptroller Division of Local Government and School Accountability concerning our Fiscal Street score for 2020. Supervisor Frank stated the Town of Herkimer is not in any fiscal distress according to the State.
- B. A letter dated September 21, 2021 from Supervisor Frank to the Greater Mohawk Valley Landbank Executive Director, Tolga Morawski, concerning information for hooking up to the municipal sewer system.
- C. A letter received September 22, 2021 from the business & Professional Association of Herkimer concerning Herkimer’s Annual Halloween Pumpkin Pageant & Parade. Councilman Stalteri made a personal \$50 donation on behalf of the Town of Herkimer.
- D. A letter dated September 27, 2021 from NYS Department of Public Service concerning the Comprehensive Broadband Connectivity Act.
- E. A letter dated October 1, 2021 from Laberge Group President, Richard Laberge, concerning Budgeting and Planning for Grants.
- F. A letter dated October 4, 2021 from the Association of Towns Director of Office Operations, Bonnie Becker, concerning amended deadlines for ARPA Reporting. Supervisor Frank stated the feds have extended this deadline.
- G. A notice received October 4, 2021 from the Herkimer County IDA concerning a Notice of Public Hearing to adopt Housing Development Initiatives Policy. Supervisor Frank stated Herkimer County is engaged in community development and is asking for community input.
- H. A post card for Explore Herkimer County.

CARRIED AYES ALL

07) Routing.

08) Resolutions and Local Laws:

Supervisor Frank stated we have several transfers to move money around so everything balances out. The board agreed to approve all at once.

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept, place on file and approve all suggested of the transfers suggested by Supervisor Frank.

CARRIED AYES ALL

Supervisor Frank stated there is one budget amendment because we only budgeted for \$50,000 for CHIPS money to be used but we ended up using \$146,000.

Motion by Councilman Carbone, seconded by Councilwoman Penree to approve the budget amendment.

CARRIED AYES ALL

09) Old Business.

CHIPS 2021:

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated we have not been able to find a contractor to move the boulders.

Water District:

Mckennan Road Enhancement Project: Supervisor Frank stated we met with the Simpsons and the surveyor had moved some of the stakes. The other resident was not available but we have been in contact with him.

Jodi Rivers said two meters have been changed out so far for the residents that we will be taking over from the Village. Ken Ward stated he will have to go out and knock on doors to get the rest switched over. Supervisor Frank asked if the Village has turned the water off to find the leak yet? Ken Ward replied stating, not yet and that we are waiting for them to tell us when they will be doing it.

West Herkimer Water:

East Herkimer Sewer District:

NYMIR:

Codes: Codes Enforcer Collis stated he was also called up to Rubino's for the codes issues and stated our DCO Erica Dunton and the Animal Cruelty Investigator were very professional. He stated there are three adults and six kids whose ages range from 3-10 years old living here with four puppies and fourteen dogs living in the trailer. He also stated that behind the apartment building there are about fifty bags of garbage. He has spoken to Mrs. Rubino and told him he has to have them cleaned up by Thursday. Councilman Stateri stated we should be contacting Child Protective services as well. He stated we need to focus on getting the kids out of this type of living conditions as well as the dogs. Attorney Bray asked if they are condemnable? Collis replied stating yes, he will do so and will also call Child Protective Services.

Landbank: Supervisor Frank stated he sent a letter to Tolga from the Landbank concerning the debt service cost that it would be for hooking into the sewer line. He asked our consultant engineer for preliminary numbers of projected cost and have given them to Tolga as well.

Dog Control Local Law: Councilman Stateri stated we are working on this and hope to have a draft for the next meeting.

Subdivision Local Law:

SunEast Solar Project:

Active Fire Department Members Tax Exemption:

Annual Court Audit for 2021: Councilman Stateri stated he has reached out to the Court Clerk about setting up the audit for 2021 but has not heard a response yet.

Cell Towers and Town Zoning ordinance: Supervisor Frank stated he has nothing new to report.

Valley Residential Water: Supervisor Frank stated we haven't gotten a response yet on if this has been fixed.

10) New Business.

11) Reports.

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the 2022 Tentative Budget that was presented to the Town Clerk on September 29, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilwoman Penree to accept and place on file the Cash Report for August, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilwoman Penree to accept and place on file the Water and Sewer Meeting Minutes dated September 22, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilwoman Penree to accept and place on file the Bank Reconciliation Report for August, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilwoman Penree to accept and place on file the Town Clerks Report for September, 2021 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Trial Balance Report date October 3, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated October 3, 2021.

CARRIED AYES ALL

Supervisor Frank stated the Town Board will meet on October 12, 2021 at 4:00 PM for Budget Workshop.

12) Purchase orders and Audit.

Purchase Order:

- 10' Hi-way hydraulic hopper spreader sander. Supervisor Frank stated the current one is on its way out. He also stated this would come out of the machinery DA fund and there is money in there to pay for it. The board agreed.

Motion by Councilwoman Penree, seconded by Councilman Carbone to approve the purchase order for the new sander.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to approve the audit dated October 4, 2021.

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, October 18th, 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