

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, October 18<sup>th</sup>, 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 Stateri  
Councilwoman-----Kathy Penree  
Attorney-----Christopher Bray

Excused: Councilman-----Randy Kast  
Highway Supt.-----David McManus  
Deputy Attorney-----Kyle Crandall  
Codes Enforcer-----Ken Collis

**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 Stateri seconded by Councilman Carbone, to accept and place on file the minutes of the previous Regular Meeting held on October 4, 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.

James Rando stated he is here with his son to request town board's approval for a zoning use at 177 Main Road for an auto repair shop. He stated they have already spoken to Codes Enforcer Collis who advised them that they would need Town Board approval. He stated they plan on using it for minor auto body repairs. They will be leasing the front of the building and office. Supervisor Frank stated you will need to fill out a special authorization application with as much detail as possible for the board to review in order to make a decision. They agreed and will do so.

Four students were also present:  
Bailey Harrer, Grace Kelly, Aleah Oldfield, and Joshua Baldwin.

Motion by Councilman Stateri, 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. A letter dated September 24, 2021 from Bassett Healthcare Network Valley Health Services President, Lisa M. Betrus, requesting an investment.  
Supervisor Frank stated this is a request for operational support directly from the funds we received due to the pandemic. We have not yet discussed how we will be using these funds. Supervisor Frank will send a response letter stating we are unsure how we will be allocating the funds and will update them when we do.
- B. A certificate of liability insurance dated September 26, 2021 for EMCOR Services New England Mechanical policy effective 10/1/2021 through 10/1/2022.
- C. A certificate of liability insurance dated September 30, 2021 for Morton Buildings, Inc. policy effective 10/1/2021 through 10/1/2022.

- D. A certificate of liability insurance dated October 5, 2021 for Excelsior Electric Inspection Services Inc. policy effective 8/18/2021 through 8/18/2022.
- E. Emails received October 13<sup>th</sup> and 16<sup>th</sup>, 2021 from Barton&Loguidice Staff Environmental Scientist, Grete Day, concerning the SEQRA Amendment process for the proposed Village of Herkimer Sewer System.
- F. A flyer received October 14, 2021 from the Local Government Education Committee of Herkimer & Oneida Counties and the New York State Department of State for an online training for Planning and Zoning Board Members.  
Clerk DeMetro stated she has notified all of the Planning and Zoning Board Members of this training.
- G. A letter dated October 15, 2021 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- H. A certificate of designation for The Association of Towns of the State of New York Annual Business Session.  
Supervisor Frank stated he usually attends and is designated as the delegate but he is unsure if he will be attending or not this year. He asked the board to table this for now.

Motion by Councilman Carbone, seconded by Councilman Stalteri to table item H of petitions and communications to designate a delegate for the AOT Annual Business Session.

CARRIED AYES ALL

CARRIED AYES ALL

**07) Routing.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file both items being routed; A booklet for A Town Official's Guide to Procurement Using ARPA Funds and A booklet for A Town Official's Guide to Cannabis.

Supervisor Frank suggested that we hold a public meeting of this. The board agreed. A news release will be placed in the paper for public discussion at our regular meeting on November 15, 2021.

CARRIED AYES ALL

**08) Resolutions and Local Laws:**

Attorney Bray stated he has a resolution that will authorize Supervisor Frank to enter into easement agreements for the three parcels that need them for the East Herkimer Sewer Project.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve Resolution No. 33 of 2021 allowing Supervisor Frank to sign the easement agreements.

CARRIED AYES ALL

**09) Old Business.**

CHIPS 2021: Supervisor Frank stated the information has been submitted and the budget has been amended to add the additional funds.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated we have not been able to find a contractor to move the boulders. He stated he still needs to contact the engineer regarding the needed repairs. Councilwoman Penree stated she is still waiting for her driveway to be repaired as well. Supervisor Frank will follow-up on these items.

Water District:

Mckennan Road Enhancement Project: Supervisor Frank stated we seem to have a positive resolution for the location of the pump with the residents and the consultant engineer. Attorney Bray will follow-up with them as well as the County for final approval with the changes. Once this is complete he will get to work on the paperwork for the easements.

Supervisor Frank stated he has a meeting with the Village tomorrow regarding the water customers we will be taking over. Ken Ward stated as of today there are eight more we are waiting for to make appointments to change out the meters. He will knock on doors Thursday for those who still need to do so. Supervisor Frank asked if the water has been shut off to the Village water customers in concern of a leak yet? Ken Ward responded stating that they are supposed to do so on Thursday.

West Herkimer Water: Supervisor Frank stated he spoke to our consultant engineer last week and they were supposed to send us a draft report and memorandum of understanding for tonight's meeting but we have not received it yet.

East Herkimer Sewer District: Attorney Bray stated he has handed in everything to the State Comptroller and is waiting for a response back. He will continue to call and follow-up with this. Supervisor Frank stated he attended a webinar in September that was presented by the USDA on what they can consider supporting funds for projects. What he found was the Town will meet the income requirements and he is trying to find out if funding would be available for projects that didn't include residential properties and the answer was yes, they do. Furthermore, he is thinking and going to find out if there would be more ability for funding since the sewer line will be serving the trailer park residents, as well as Valley Residential, which is a business that houses 76 units of people. He has a meeting Thursday with a representative for the USDA to find out more information for us.

NYMIR:

Codes: Supervisor Frank stated we have received several applications for the position and asked Clerk DeMetro to forward all resumes to the board for them to review.

Landbank: Supervisor Frank stated the Landbank and Village are also without a Codes Enforcer at this time so there is a potential of sharing one. This will further be discussed.

Dog Control Local Law: Councilman Stalteri stated we are working on this and hope to have a draft for the next meeting. He stated we found a local law from another town that we are reviewing. It has a lot of the information we were looking for. Attorney Crandall has asked to be involved with this process as well. Councilman Stalteri stated Attorney Crandall has some ideas for getting us some of the fee money back. He also stated we need to add in that all expenses will get reimbursed but the owner as defined by the law. Attorney Bray stated he is looking into whether or not the fees could be leveled onto the tax bill. Councilman Stalteri stated we need a way to make it so our tax payers are not having to incur these fees. He stated the goal is to have the final draft by the end of the year. Councilman Stalteri asked the status of the kids and dogs for the Rubino property? Supervisor Frank stated he has not had an update from Codes Enforcer Collis and that he was supposed to be in attendance tonight. He will follow-up with him. Councilman Stalteri stated we need to make the kids safety our focus and priority.

Subdivision Local Law: Tabled.

SunEast Solar Project: Supervisor Frank stated there is nothing new to report.

Active Fire Department Members Tax Exemption: Supervisor Frank stated he has spoken with Councilman Kast and he will be following up with the Fire Department regarding this.

Annual Court Audit for 2021: Councilman Stalteri stated he has reached out to the Justice's and we will be setting a meeting up in December for this.

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

Valley Residential Water: Supervisor Frank stated we do not know if this has been fixed yet or not.

#### 10) **New Business.**

Halloween: The board agreed we will be holding trick or treating from 5-7 on Sunday, October 31<sup>st</sup>.

#### 11) **Reports.**

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the DCO Report from DCO Erica Dunton for September, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilwoman Penree to accept and place on file the Town Justice's Report for September, 2021 from Justice Manner and Justice Petucci.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Trial Balance Report date October 18, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilwoman Penree to accept and place on file the Revenue and Expense Report dated October 18, 2021.

CARRIED AYES ALL

**12) Purchase orders and Audit:**

Purchase Order: 13-Aof 2021: Supervisor Frank stated this was approved at the last meeting but needs to be signed by the board.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the audit dated October 18, 2021.

Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Supervisor Frank stated in the audit tonight is our annual bill for technical support for the Town Clerk Software that needs to be signed with approval.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to allow Supervisor Frank to signed the technical support agreement for the Town Clerk Software.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to close executive session with no decisions made.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept Matthew Ward's resignation with regrets effective 10/18/2021.

Supervisor Frank will draft a letter to Mr. Ward thanking him for his service to the Town of Herkimer.

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, November 1<sup>st</sup>, 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