

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

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
 Councilman-----Randy Kast (by Zoom)
 Councilman-----Daniel Stateri
 Councilwoman-----Kathy Penree
 Councilman-----Vito Carbone
 Attorney-----Christopher Bray

Excused: Codes Enforcer-----Ken Collis
 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 Councilwoman Penree, to accept and place on file the minutes of the previous Regular Meeting held on November 15, 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.

David Darzinski stated he was hired by the Landbank as the designer for the trailer park. He passed out site plans for the board to review. He stated there are thirty-feet between units and parking will be parallel with the road. The trash and sewer holding tank will be at the front. The sewer holding tank will only be in place until they can hook up to the new municipal sewer line going in. Supervisor Frank stated that this does not fall within our zoning ordinance and therefore he will need to apply for a special authorization application. With these applications we refer them to the planning board for them to make a recommendation. Mr. Darzinski stated the State will not release funds until the town gives them something saying you approve the project. Supervisor Frank stated we will do our best to expedite the process once the application is received.

Motion by Councilman Stateri seconded by Councilman Carbone to close the public meeting.

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Councilman Carbone, seconded by Councilwoman Penree, to accept and place on file all the petitions and communications 8A through I listed below.

- A. A letter dated November 15, 2021 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes.
- B. A letter dated November 15, 2021 from the Herkimer County Soil and Water Conservation District Envirothon Coordinator, Katie Whitkovits, concerning a donation towards the 2022 Herkimer County Envirothon.
- C. A letter dated December 1, 2021 from Supervisor Frank to Water Customers concerning unpaid water bills.
 Supervisor Frank stated this letter was mailed to the water customer on the lien list.
- D. A Policy Advisory Report dated December 1, 2021 from the NYS Department of Civil Service Deputy Commissioner for Municipal Services, Joe Cavazos, concerning the World Trade Center Sick Leave Reimbursement Program.
- E. A letter dated December 2, 2021 from New York Regional Officer Civil Engineer for the Federal Energy Regulatory Commission Division of Dam Safety and Inspections, Patrick Kelly, concerning the stated dam owned by ECOsponsible.

Councilman Stalteri stated it should be addressed the burden that this has caused to the Town of Herkimer with the roadway, erosion, tax increases, ect. Councilwoman Penree stated this is abandonment of the dam and a public safety issue. Supervisor Frank will comment for the town.

- F. An email dated December 2, 2021 from Empire State Development Loans and Grants Department, Cecilia Thomas, concerning the Eastern Garden Capital Project.
 - G. A flyer received December 3, 2021 from the Department of State Division of Local Government Services concerning a Winter Webinar Series.
 - H. A letter dated December 3, 2021 from Supervisor Frank to the Manager of the Division of Local Government and School Accountability for the State of New York, Mary Berghela, requesting an extension of the filing of the 2021 Annual Update Document and Financial Report.
- Supervisor Frank stated he is asking for an extension for the AUD and Financial Report, like he does every year to give us enough time to get everything ready.
- I. A Notice of Public Hearing from the Town of Schuyler Zoning Board of Appeals regarding comment on the SunEast application for a one-year extension of the Special Use Permit and Site Plan approvals for the SunEast Watkins Solar Project.
- Attorney Bray stated the Town of Schuyler has it in their local law that any projects that have not started construction one year after the application approval needs to apply for an extension. This is the notice for it. We do not have this verbiage in our local law therefore we do not have to do anything at this time.

CARRIED AYES ALL

07) Routing.

08) Resolutions and Local Laws:

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 37 of 2021 for Local Law No. 4 of 2021 to opt-out of the Marijuana Law. The public hearing will be at 6:10 PM at our next regular meeting set for December 20, 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve Resolution No. 38 of 2021 in regards to the water lien list and covid restrictions with the edits of on/after May 1st and to give Supervisor Frank the authority to send to the Department of State to respond with our plan.

Councilman Stalteri stated we should review our fee schedule to get these costs back.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve Resolution No. 39 of 2021 for Local Law No. 3 of 2021 for the Dog Control Law. The public hearing will be at 6:05 PM at our next regular meeting set for December 20, 2021.

CARRIED AYES ALL

09) Old Business.

CHIPS 2021: Supervisor Frank stated we haven't received any of the money yet.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated we have a change order later on, on our agenda.

Water District: Supervisor Frank stated he is not sure if the water has been shut off yet or not to find the leak. He also stated we still need a contract with the Village for the new customers.

Mckennan Road Enhancement Project: Supervisor Frank stated he has not heard a response back from Mr. Hazelwood.

West Herkimer Water:

East Herkimer Sewer District: Attorney Bray stated he spoke with the State comptroller today and they are working on it. They haven't asked for anything else yet. Councilman Stalteri stated he spoke with Deb Wright concerning the easement and she has no issue with it subject to seeing the placement. Councilman Stalteri will take the map up to show her where it would be. He stated he spoke with Mr. Layne who confirmed there is a second trustee for the property and

provided us him information. He indicated the possible of selling the portion of land needed for the easement.

Codes: Attorney Bray stated he spoke to Codes Enforcer Collis about condemning the Rubino property. He advised him to do what was necessary considering how extreme the circumstances are.

NYMIR: Clerk DeMetro handed out a spreadsheet of those who have/have not completed the mandatory trainings.

Land Bank:

Dog Control Local Law:

Subdivision Local Law: Tabled.

SunEast Solar Project:

Active Fire Department Members Tax Exemption: Councilman Kast stated he passed the information along and they will further discuss it with their members.

Annual Court Audit for 2021: Supervisor Frank stated Councilman Stalteri has this scheduled.

Cell Towers and Town Zoning ordinance: Attorney Bray stated he has no new information on this.

Valley Residential Water: Supervisor Frank stated we have not news to report.

AOT Designation of Delegate: Tabled.

10) New Business.

Councilman Stalteri stated we should ask the Highway to take down the soccer field nets and lock up with tennis courts.

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept, place on file an email received December 5, 2021 from Allysa Dupont Rader of the Landbank concerning the Homeowners Assistance Fund.

CARRIED AYES ALL

11) Reports.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place the Planning Board Meeting Minutes dated 9/1/2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place the Planning Board Meeting Minutes dated 11/10/2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place a letter of recommendation for 220 Main Road from Planning Board Chairman Mark Gaworecki.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file and authorize Supervisor Frank to sign the CME Engineering Group Geotechnical Consultation Services Change Order.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Public Comment on Brownfield Application for HMQ Site Restoration and STEM Center.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Ferrara Fiorenza Engagement for Legal Services.

Supervisor Frank stated this is relative to the assessments and is Attorney Bray's recommendation.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Barton & Loguidice Engineering Agreement Amendment No. 1.
Supervisor Frank stated this is for the West Herkimer Water District.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the PrimeAE Proposal for Engineering Services.
Supervisor Frank stated this is for the USDA application for the East Herkimer Sewer District.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Water and Sewer Meeting Minutes dated November 23, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Bank Reconciliation Report for October, 2021

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Cash Report for October, 2021.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Town Justices' Report for November, 2021 from Justice Manne.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

12) Purchase orders and Audit.

Purchase Order: There were no purchase orders submitted for this meeting.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve the audit dated December 6, 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to go into executive session to discuss pending litigation.

CARRIED AYES ALL

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

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, December 20th, 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