

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, September 20<sup>th</sup>, 2021 at 6:00PM at the Herkimer Town Hall located at 114 North Prospect Street in Herkimer.

Supervisor Frank asked that everyone take a moment of silence for the passing of Hal Hutton who was a budget officer for the Town of Herkimer for many years.

**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 McManus  
 Deputy Attorney-----Kyle Crandall

**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 Councilwoman Penree, to accept and place on file the minutes of the previous Regular Meeting held on September 7, 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.

Janet Snyder of 158 Folts Road stated she is here because of a high water bill she received. She stated that back in January her furnace broke and the pipes froze. When she received the bill it was over \$800 and its normally around \$69 a quarter. She stated she got the furnace and pipes fixed and she also had to get a toilet fixed that kept running. Everything has been repaired and the bill has since gone back down to normal. She is wondering if there is anything the board can do since she is on a fixed income and cannot afford this high bill. Supervisor Frank stated he will get the board the necessary information to review and they will make a decision at our first meeting in October. Councilman Stalteri asked that we ask Water Clerk Jodi Rivers for a years' worth of the average billing. He stated unfortunately we get our water from the Village and they no longer give us any leeway when there are leaks, we have to pay for it no matter what. They use to work with us on instances like this but no longer do with the shift of members. Mrs. Snyder thanked everyone for their time.

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

CARRIED AYES ALL

**06) Petitions and Communications.**

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

- A. A letter dated September 8, 2021 from Supervisor Frank to the Greater Mohawk Valley Landbank Executive Director, Tolga Morawski, concerning The Park @ 220 project.
- B. A letter dated September 10, 2021 from Supervisor Frank and Mayor Netti to the Highland-Beardslee Avenues and Steuben Hill Road area residences who will become water customers of the Town of Herkimer.  
 Supervisor Frank stated these letters have been mailed out to the customers and we know so because some have already called to make appointments to switch out the meters.
- C. Letters dated September 10, 2021 from Supervisor Frank and Mayor Netter to water customers concerning the stabilization of a water leak in their area.

- Supervisor Frank stated the Village will be shutting off the water to these homes for 24 hours to try and find the leak but he is unsure if the date has been set for this or not yet.
- D.** An email received September 15, 2021 from Ken Collis stating he will not be seeking another term as the Codes Enforcement Officer for the year of 2022. Motion by Councilman Stalteri, seconded but Councilwoman Penree to regretfully accept the letter of resignation from Codes Enforcer Collis.

CARRIED AYES ALL

- E.** A letter dated September 15, 2021 from Supervisor Frank to the NYS Department of Financial Services requesting log-in access to the NYS Department of Financial Services Registry. Supervisor Frank stated the Landbank has requested access to the financial services of the Zombie properties. He was only able to set this up for himself to have access.
- F.** An email received September 15, 2021 from NYS Division of Homeland Security and Emergency Services Hazard Mitigation Project Manager, Steven Bornt, concerning the West Canada Creek landslide prevention project scoping application. Supervisor Frank stated we had applied for funding for the same thing from two pots of money. This letter confirms that FEMA is very supportive of funding the project but we will have to withdrawal from the other funding source that we applied to. He had prepared to letter to do so.
- G.** An email received September 17, 2021 from the Office of the New York State Comptroller Chief of Policy and Research, Ben Schwartz, concerning a State Aid Payment. Supervisor Frank stated we received a full payment from our State aid which is good news.
- H.** A foil request received September 17, 2021 from Emanuele Carollo concerning codes violations. Clerk DeMetro stated she received this request on Friday but it is a foil request form for Herkimer County. Attorney Bray stated he would advise that Mr. Carollo apply properly.
- I.** A public notice dated September, 2021 from the NYS Department of Environmental Conservation concerning the State Superfund Site Reclassification Notice Class 2 to Class 4.

CARRIED AYES ALL

**07) Routing.**

**08) Resolutions and Local Laws:**

**09) Old Business.**

CHIPS 2021: Supervisor Frank stated he spoke with Highway Superintendent and he has not submitted the paper work for the CHIPS funding yet but will be meeting with someone this week to make sure it is done correctly. Councilman Stalteri stated we will need to reconcile the budget to offset the difference of what was expected versus what was actually spent with CHIPS this year.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated he was told the blackout has been completed. Councilwoman Penree asked about the status of her driveway being fixed? Supervisor Frank replied stating that Highway Supt. McMannus had told him he would going to do it but isn't sure why it hasn't been done yet.

Water District:

Mckennan Road Enhancement Project: Supervisor Frank stated we are working on getting the landowners to decided where the pump will go. Attorney Bray stated he has spoken to the county and they are okay with where is the stakes are for the position of the pump but are still asking that the landowners sign off on it as well. It has been moved so that it is now more tucked away and less intrusive. He will set up a time to meet with the landowners and Supervisor Frank for the final signoff of the easements.

Supervisor Frank stated the water bill for our Mckennan Road water district is about \$7,000 more than we made and that we will owe. Councilman Stalteri asked how much was lost each day that this went by without getting fixed. We need to hold people accountable because now this water district will suffer the financial burden from this. He also stated that we invested in these new meters so things like this wouldn't happen.

West Herkimer Water: Supervisor Frank stated he has nothing new to report.

East Herkimer Sewer District: Supervisor Frank stated we are looking at the easements needed to pursue this project. Attorney Bray drafted one for the school board to review but we are still

trying to get the second easement. Supervisor Frank stated the engineer was working on an alternate route for this as well but he is unsure if this will be possible. Councilwoman Penree asked if the County knew about this project because they just paved a portion of Pine Grove Road where this project will take place. Supervisor Frank stated the County was made aware that we have this project in the works.

NYMIR: Supervisor Franks stated we have received and posted our occupancy signs so this is another item we can check off our list. He thanked Clerk DeMetro for taking care of this for us.

Codes: Codes Enforcer Collis stated we have two new homes going up on Shells Bush Road. 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 Stalteri stated we are working on this and hope to have a draft for the next meeting.

Subdivision Local Law: Tabled.

SunEast Solar Project: Supervisor Frank stated he has nothing new to report.

Active Fire Department Members Tax Exemption: Supervisor Frank stated he has nothing new to report.

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

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

Cell Towers and Town Zoning Ordinance: Attorney Bray stated we have received a letter from Attorney Andrew Campanelli concerning 5G cellular towers. He stated these towers have a shorter range, therefore you need more towers. The federal government allows municipalities to say where these cell towers can be placed. This group of attorneys claim they have a protocol procedure to help municipalities protect themselves. He spoke with them to see what it entails and found that they require a fee of \$8,500 to review our current Zoning Ordinance and then they will put together a 40-45-page report for us. Attorney Bray thinks this would be a good investment for the Town so we would be able to control more of the situation that may arise. The board asked Attorney Bray to get more information on what the fee includes and he will do so. Legislature Mark Gaworecki stated this might be able to be covered under the funding for infrastructure.

Valley Residential Water: Supervisor Frank stated the last water bill for Valley Residential was substantially higher than average. They called and found that one of these valves was broke and continuously circulating the same water. They expect this to be fixed this week. Councilman Stalteri stated we need to verify that we haven't been charged for this excess of water from the Village before we adjust their bill. Supervisor Frank stated we still have a leak somewhere else within this district and that the water department is working to find it. He stated we was informed by Ken Ward that he doesn't believe Valley Residential used more water that normal and will work on verifying what he thinks the bill should actually be for them. Councilman Stalteri stated we should have a document that describes how the malfunction caused their re-circulation of the water. The Board agreed and Supervisor Frank will ask them for it.

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

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the East Herkimer Fire Department 2022 Tentative Budget.

CARRIED AYES ALL

Motion by Councilman Stalteri seconded by Councilman Carbone to accept and place on file the Town Justice Report for August, 2021 from Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report date September 19, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated September 19, 2021.

CARRIED AYES ALL

Supervisor Frank stated he expects to have the Tentative Budget filed with the Town Clerk by the end of next week. We will set up budget meetings in early October.

Supervisor Frank asked Attorney Bray if he has heard anything relative to the purchase of the Arthur Street property? Attorney Bray replied stating he has reached out to Mr. Lennon's attorney but has not gotten a response back yet.

**12) Purchase orders and Audit.**

Purchase Orders:

- Ford Expedition New Catalytic Converters Call.
- Supervisor Frank stated this purchase has been withdrawn.
- Training for NYSMA Town Court Justice.
- Supervisor Frank stated this is for Justice Petucci to attend training.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to approve the purchase order for the Justice Petucci to attend the NYSMA training.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the audit dated September 20, 2021.

Councilman Stalteri recused himself from the Hummel's bill. Councilwoman Penree recused herself from the Barret NY Central bill and the Massaro Paving bill.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone 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, October 4<sup>th</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.