

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, September 7th, 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-----Daniel Stalteri
Councilwoman-----Kathy Penree
Attorney-----Christopher Bray

Excused:

Councilman-----Randy Kast
Councilman-----Vito Carbone
Highway Supt.-----David McMannus
Codes Enforcer-----Ken Collis
Deputy Attorney-----Kyle Crandall

03) Pledge of Allegiance to the Flag.

Councilman Stalteri 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 August 16, 2021 as written.

CARRIED AYES ALL

05) Public Hearing.

Supervisor Frank opened the Public Hearing on Local Law No. 2 of 2021 to override the tax cap. He explained this is customary in the event we would need to override the tax cap after budget negotiations.

Legislature Mark Gaworecki asked why were are doing this before budget preparations have begun and if we plan on raising taxes above the tax cap? Supervisor Frank stated we haven't even begun to look at the budget yet but this is customary for if we do need to raise them, we will be able to. Councilman Stalteri stated we have been very conservative with our budget process in light of the pandemic and we will continue to do so.

Motion by Councilman Stalteri, seconded by Councilman Penree to close the Public Hearing.

CARRIED AYES ALL

06) 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 is presenting the proposed site plans of 220 Main Road for the proposed development project. He stated the State funding source needs a preliminary letter from the Town stating that the Town is likely to approve the process to move forward with the project. He stated the existing zoning is for a ten-unit trailer park and that there are only six in there now. The proposal is for six modular homes that are a little over a 1,100 square feet each. He stated our zoning does not currently allow for this type of project so special approval will be needed. Supervisor Frank stated this would require special authorization since it does not fall within our zoning ordinance. Councilman Stalteri asked if there is only a single driveway for each home? Mr. Darzinski stated yes, and for additional parking they would have to either park in the back or in the main driveway. Councilman Stalteri asked what the plan was for sewage? Mr. Darzinski stated the sewer lines will be run from the homes and will be gravity fed to the rear of the property and then it will be pumped to the front where a holding tank will need to be emptied monthly until they can hook up to the municipal sewer line. He stated the Landbank will be responsible for maintaining the driveway, land, water, mowing and sewer. Councilman Stalteri asked what the expected timeline is for this project? Mr. Darzinski stated as soon as the funding is available Bill Lakes is ready to start building the first home in October. The board supports the idea and are in favor of it but it will need to follow the procedure for special authorization. Attorney Bray will draft the letter.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve the conceptual idea and design for allowing Supervisor Frank to a sign a letter saying as such.

CARRIED AYES ALL

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

CARRIED AYES ALL

07) Petitions and Communications.

Motion by Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file all the petitions and communications 7A through G listed below.

- A. A letter received August 18, 2021 from Deputy Town Clerk Danielle Beach concerning her resignation.
Supervisor Frank stated the Deputy Town Clerk as found new employment and we regretfully accept her resignation. We wish her well.
- B. A letter dated August 19, 2021 from the State of New York Department of State Division of Local Government Services concerning the 2020 Population Total from the federal census.
- C. A letter dated August 20, 2021 from the NYS Teamsters Council Health and Hospital Fund concerning a One-Time Funding of HRA Accounts for Eligible Participants.
- D. A letter dated August 20, 2021 from Slocum-Dickson Medical Group concerning Employee Services they provide.
- E. A letter dated August 23, 2021 from the NYS Division of the Budget concerning the ARPA Coronavirus Local Fiscal Recovery Fund.
Supervisor Frank stated we received a little more funding because some entities did not accept the funding.
- F. A letter dated August 23, 2021 from The Association of Towns Executive Director, Gerry Geist, concerning the dues for 2022.
- G. Letters dates August 27, 2021 from Charter Communication Director of Government Affairs, Alice Kim, concerning upcoming changes in service.

CARRIED AYES ALL

07) Routing.

08) Resolutions and Local Laws:

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Resolution No. 31 of 2021 introductory resolution for Local Law No. 2 of 2021 to override tax cap.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Resolution No. 32 of 2021 for the Court Audit.

CARRIED AYES ALL

09) Old Business.

CHIPS 2021: Supervisor Frank stated he believes everything has been submitted for CHIPS. East German Street Extension Emergency Road repair Project: Ken Ward stated the highway has pulled all of the blacktop off to level the ground and they will finish this before the paving comes tomorrow. He stated we still have not found someone to put the large rocks in yet. Councilman Stalteri stated we need the engineers to tell us exactly where the rocks need to be place so it's done correctly.

Water District: Supervisor Frank stated Councilwoman Penree, Ken Ward, Jodi Rivers and himself met with the Village regarding the Highland/Beardslee customers that we will be taking over. There are 30 water customers and 29 of them are currently active. 24 are now manual read meters and will need to be converted to our digital reading system. Our goal is to have all of these converted by November 1st. He stated we talked about a smooth transition with coordination and cooperation to read the meters at the same time. November 1st will be the last reading from the Village and then we will incorporate these customers on November 2nd. The billing cycle will stay the same.

Mckennan Road Enhancement Project: Attorney Bray stated the surveyor came through and flagged where the pump station would be and the property lines. He stated Herkimer County said there is barely going to be anything on the Simpson's property therefore the Simpson's didn't understand why we needed an easement then. He has followed up with the County Attorney and is waiting for a response on how to continue. Once he hears back he will contact the landowners.

West Herkimer Water: Supervisor Frank stated we should have our engineering contract next week.

East Herkimer Sewer District: Supervisor Frank stated he hasn't heard back from the school relative to the easement that we requested but it seems like were in good shape since we met all of their requests.

NYMIR: Supervisor Franks stated under reports you will see our responses. We have gotten to work on a lot of these items and some are already completed.

Codes:

Landbank:

Dog Control Local Law: Tabled.

Subdivision Local Law: Tabled.

SunEast Solar Project:

Active Fire Department Members Tax Exemption:

Annual Court Audit for 2020: Councilman Stalteri stated he did the Court Audit for 2020 and Justice Karl Manne has a copy of it.

10) New Business.

Supervisor Frank stated Spectrum has been up to the water tower and all cameras are working properly now.

Councilwoman Penree stated she wanted the board to keep in mind the possibility of the Town holding a Fourth of July fireworks show next year during budget negotiations.

She also suggested we hold a Public Hearing for the public to come in and discuss the option of opting in or out of the new marijuana law. This decision needs to be made by the end of the year.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve with suggested edits.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Water & Sewer Meeting Minutes dated 8/24/2021.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Planning Board Meeting Minutes dated June 23, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the DCO Report for August, 2021 from DCO Erica Denton.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Town Clerk's Reports for August, 2021 from Clerk DeMetro.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

Supervisor Frank stated budget officer Marcia Baylor has sent out all the budget information to our department heads and has asked for them to be returned by Friday, September 10th. Once all the information is received she will put together the Preliminary Budget for us to review. We will begin meeting with the department heads at the end of the month. Supervisor Frank also stated he will be attending various webinars in preparation for our budget.

12) Purchase orders and Audit.

Purchase Orders:

- Oshkosh Snow Plow Air Cooler for motor.
- Ford Expedition New Catalytic Converters Call.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to approve the purchase order for the Oshkosh Snow Plow Air Cooler for motor.

CARRIED AYES ALL

Councilman Stalteri recommended that we table to the purchase order for the Ford Expedition until we see what the replace schedule is for this.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve the audit dated September 7, 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, September 20, 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