

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, August 16, 2021 at 6:00PM telephonically and virtually.

02) Roll Call of Officers

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

Excused: Councilman-----Randy Kast
Highway Supt.-----David McManus
Attorney-----Christopher Bray
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 Carbone seconded by Councilman Stalteri, to accept and place on file the minutes of the previous Regular Meeting held on August 2, 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.

Ron Scalise stated he wants to know the status of his subdivision application. Planning Board Chairman Mark Gaworecki stated we are just waiting for the updated maps. Codes Enforcer Collis stated we have received the maps and can now set a meeting with the planning to review the maps, plans and application. Clerk DeMetro will schedule a planning board meeting.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A certificate of liability insurance dated August 4, 2021 for Excelsior Electrical Inspection Services, Inc. effective 8/4/2020-8/18/2021.
- B. A letter dated August 6, 2021 from the Oneida-Herkimer Solid Waste Authority concerning the Regional Demolition Program.
- C. A letter dated August 6, 2021 from Attorney Andrew Campanelli concerning the 5G Rollout and controlling the siting of wireless facilities within the Town of Herkimer.
- D. A letter dated August 11, 2021 from Supervisor Frank to the NYS Division of Homeland Security and Emergency Services Disaster Assistance Manager concerning the completed FEMA Project Completion and Certification Report and the Certification of Compliance with Stafford Act Sec. 311(b).
- Supervisor Frank stated this has to do with the Halloween Flood in 2019. FEMA has reimbursed us for administration costs. We have now received all the money we were supposed to from this.
- E. An email received August 12, 2021 from NYVMR for a Safety During Snow and Ice Removal Seminar.
- F. A letter dated August 12, 2021 from Herkimer County Personnel Officer, Steven Billings, concerning the 2022 Workers' Comp Budget Figures.

G. An email received August 13, 2021 from NVS Federal Energy Regulatory Commission Division of Dam Safety and Inspections Civil Engineer, Patrick Kelly, concerning the inspection of the dam owned by ECOsponsible.

Supervisor Frank stated the hydro dam is going to be inspected next Thursday.

H. An email received August 16, 2021 from Town resident, Chris Pullman, concerning the Town Park Basketball Court.

Councilman Stalteri stated he is going to recommend that the highway department put cones up and a sign stating the courts cannot be used until the project is properly fully completed.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Raffle Consent for Utica Zoological Society Raffle.

CARRIED AYES ALL

08) Resolutions and Local Laws:

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Resolution No. 28 of 2021 a bond resolution for acquisition of Arthur Street Property.

A roll call was taken as follows:

- Supervisor Dominic Frank AYE
- Councilman Daniel Stalteri AYE
- Councilman Vito Carbone AYE
- Councilwoman Kathy Penree AYE
- Councilman Randy Kast ABSENT

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Resolution No. 29 of 2021 a bond resolution for General Town Park Improvements.

A roll call was taken as follows:

- Supervisor Dominic Frank AYE
- Councilman Daniel Stalteri AYE
- Councilman Vito Carbone AYE
- Councilwoman Kathy Penree AYE
- Councilman Randy Kast ABSENT

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Resolution No. 30 of 2021 introductory resolution for Local Law No. 2 of 2021 to override tax cap.

A roll call was taken as follows:

- Supervisor Dominic Frank AYE
- Councilman Daniel Stalteri AYE
- Councilman Vito Carbone AYE
- Councilwoman Kathy Penree AYE
- Councilman Randy Kast ABSENT

CARRIED AYES ALL

09) Old Business.

CHIPS 2021: Supervisor Frank stated tonight’s audit will generate some of the checks. He believes this is the last of them for the CHIPS.

East German Street Extension Emergency Road repair Project: Supervisor Frank stated he expects the work to be starting soon.

Water District: Supervisor Frank stated we have found a major leak up at the residence of Mrs. Heinmann. This leak is responsible for all of the water that has been unaccounted for. The water department has met with Mrs. Heinmann and explained the need for this to get fixed. The

landowner understands. Highway Supt. McManus told Supervisor Frank he was in search for an excavator small enough for this job and found one he can rent from Massaro's. Supervisor Frank stated on August 9th at 7:00AM to August 10th at 7:00AM the water was turned off at this residence to listen for leaks. The Town supplied the landowner with water while it was turned off. On August 10th Supervisor Frank was told that this was indeed the location of the leak and the landowner would work on finding someone to make the needed repairs. On August 16th Supervisor Frank was told by Highway Supt. McManus that they have found the appropriate equipment to make the necessary repairs and that his men would have this completed by Thursday, August 19, 2021.

Mckennan Road Enhancement Project: Supervisor Frank stated we are still dealing with the easements. The County laid out the stakes so the landowners could see exactly where it will be on their property. The landowners for where the pump is going to be didn't think the location was accurate in accordance with the stakes. Attorney Bray will be reaching out to explain where we are at and to see what concerns they may have. The other landowners have no issues with where the stakes are.

West Herkimer Water: Clerk DeMetro filed the mylar with the County Clerk's Office.

East Herkimer Sewer District: Supervisor Frank stated we have met with the school district. Our engineers will be going to stake out where the line will be for the school to see. The school expressed the concern of not interfering with where their current septic area is and trees that were planted by a graduating class of the school. Our engineers reconfigured to not disrupt any concerns that were made and had drawn up new maps and sent them to the school as well. The engineer also confirmed no large trucks will be driving over where the school's septic system. 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: Code Enforcer Collis stated he is working on the Rubino property issues and concerns.

Landbank: Codes Enforcer Collis stated he got a call from the Landbank for him to review the updated drawing for the trailer park for the town to review. He will have the planning board and town board review them as well when he receives this information.

Dog Control Local Law: Tabled.

Subdivision Local Law: Tabled.

SunEast Solar Project: Supervisor Frank stated he has spoken to the Town of Schuyler Supervisor who said the developer is still working on some issues but the project is still moving forward at this time.

Active Fire Department Members Tax Exemption: Supervisor Frank stated he reached out to Councilman Kast to fill him in on the information given to us by Assessor Dan Maxwell.

Councilman Kast will follow up with the Fire Department.

Pool Agreement with the Village of Herkimer: Supervisor Frank stated we received a signed agreement from the Village today but it is not the one we sent to them. Missing from this one is the information stating we will pay \$1,000 for each week that pool is open as long as the Village supplies us with a detail invoice of costs per week. Instead, the Village put for us to give them a lump sum of \$8,000, which is what we have budgeted for. The Village did supply us with eight invoices with a summary of various cost of each week. The board agreed to move forward with the agreement the Village provided.

Motion by Councilman Stateri, seconded by Councilwoman Penree to allow Supervisor Frank to sign the pool agreement with the Village of Herkimer.

CARRIED AYES ALL

Annual Court Audit for 2020: Councilman Stateri stated he has scheduled to do the audit for both judges on Wednesday at 5:30 PM.

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.

Herkimer County Humane Society Bill: Clerk DeMetro stated she wanted to bring this to the boards attention since it is such a large amount and all the dogs that were ceased were taken from the same person. She will follow-up with Deputy Town Attorney Crandall to see if we can try to go after the owner for the costs.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the DCO Report for July, 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's Reports for July, 2021 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penreeto accept and place on file the Trial Balance Report date August 16, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated August 16, 2021.

CARRIED AYES ALL

12) Purchase orders and Audit.

Purchase Orders: New Radiator for Oshkosh Snow Plow.

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve the audit dated August 16, 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 Tuesday, September 7, 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.