

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, July 19, 2021 at 6:00PM telephonically and virtually.

**02) Roll Call of Officers**

Present: Supervisor-----Dominic Frank  
 Councilman-----Daniel Stalteri  
 Councilwoman-----Kathy Penree  
 Attorney-----Christopher Bray  
 Codes Enforcer-----Ken Collis

Excused: Councilman-----Randy Kast  
 Councilman-----Vito Carbone  
 Highway Supt.-----David McManus  
 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 July 6, 2021 with the suggested edits.

CARRIED AYES ALL

**05) Public Hearing.**

Supervisor Frank read the legal notice for the public hearing on Local Law No. 1 of 2021. This is a local law providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks and culverts in the Town of Herkimer. He then stated with no one from the public hear to comment he would entertain a motion to close the public hearing.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to close the public hearing on Local Law No. 1 of 2021.

CARRIED AYES ALL

**06) Public Meeting.**

Supervisor Frank stated with no one present from the public he would entertain a motion to close the public meeting.

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

CARRIED AYES ALL

Supervisor Frank asked for a moment of silence for Jim Smith and Bill Wiliczka who were previous employees of town that have recently passed away.

**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 E listed below.

- A. A letter dated June 25, 2021 from Congresswoman Claudia Tenney concerning an update on her work in Congress.
- B. A letter dated July 7, 2021 from Charter Communications Director, Alice Kim, stating Spectrum will discontinue its Pay-per-view Events Barker Channel.
- C. A letter and report dated July 14, 2021 from Daniel G. Loucks, P.E. Geotechnical Engineering for the Proposed Water Tank on Steuben Hill Road.  
Supervisor Frank stated the special soil borings we needed to do have been completed and we received a good report. The engineer doesn't think there will be any impact on the project.
- D. A foil request dated July 15, 2021 from paralegal of The Long Law Firm, Nicole Cheney, concerning the West Canada Creek Landslide Prevention Scoping Project.
- E. A Notice of Availability of Funds for the Urban Forestry Quick Start Grant.

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. 26 of 2021 for the passing of Local Law No. 1 of 2021.

CARRIED AYES ALL

09) Old Business.

CHIPS 2021: Supervisor Frank stated we are just waiting for the bill from Suit Kote and then we can submit everything for our money.

East German Street Extension Emergency Road repair Project: Councilwoman Penree stated Highway Supt. McManus told her that he had found a company who had the equipment to do the work that needs to be done. Councilman Stalteri stated we should have something from the engineers stating that what we are having the repairs made correctly. The board agreed. Relative to the roads Councilman Stalteri also stated that he has received a lot of compliments for how nicely the roads have been redone and would like to thank Highway Supt. McManus for a job well done.

Water District: Supervisor Frank stated he has met with the Mayor, Max, and Scott Blaise from the Village along with Water Supt. McManus and Councilman Carbone relative to the water bills for the Mckenna Water District. It was concluded that they have admitted to having a leak and will work to find exactly where it is so it can be fixed. He stated he has drafted a letter to the residents where they think the leak is located letting them know that the water will be turned off for several hours during the night so they can try to listen and find the leak. The Village was to have sent them out last week.

Mckennan Road Enhancement Project: Supervisor Frank stated he met the resident who we will need the second easement from and briefly discussed the situation with him. He seemed agreeable and will follow-up with him again to show him exactly where it is and what we would need. Attorney Bray stated the easement is in the corner of the property and is barely on it. He also stated this is within the counties highway easement but since the pump station isn't a county use, we will still need to get an easement from the resident. He stated he will send this over to the County to ask them to review and sign off on it before we have the resident's sign.

West Herkimer Water: Supervisor Frank stated he reviewed the survey maps from the engineer that we need to submit to the County and we received the final maps today but the name is incorrect for the title of the district. He will work to get this corrected.

East Herkimer Sewer District: Supervisor Frank stated he hasn't heard anything from the school or Ron Scalise relative to the easements. Councilman Stalteri stated we should ask our engineer to pull the pipe in so its within the right-of-way on Ron Scalise's property. He stated it is very close anyways and think it can be done and then this way we wouldn't need an easement there.

NYMIR: Supervisor Franks stated he met with Clerk DeMetro and Highway Supt. McManus today to review the report and all the items are either completed or we are working on. Supervisor Frank will draft a response and get it out this week.

Codes: Code Enforcer Collis stated he has nothing new to report.

Landbank: Supervisor Frank stated we have signed an agreement with the Landbank for Codes Enforcement services and are just waiting for them to sign it as well and return it to us.

Dog Control Local Law: Tabled

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.

Pool Agreement with the Village of Herkimer: Attorney Bray stated the Village Attorney had no concerns with the agreement but we are waiting for a final response from the Village Board.

10) New Business.

Supervisor Frank stated he was informed from Town Justice Karl Manne that we need to do the Annual Court Audit for 2020 still. Councilman Stalteri stated he will contact him and set up a time to do it.

Councilwoman Penree suggested we have Public Hearing to hear the publics input on whether or not we should opt-in or opt-out of the new marijuana law. The board agreed. Supervisor Frank stated we need to decide by the end of the year whether we op-in or opt-out. If we decide to opt-out we can decide what we will allow in our town. The County also has the choice to op-in or opt-out as well and he is unsure how that would affect our decision making.

**11) Reports.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Performance Progress Report for the Northern Border Regional Commission dated 7/9/2021.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Town Justice's Reports from Karl Manne and Michael Petucci for June, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report date July 8, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated July 8, 2021.

CARRIED AYES ALL

**12) Purchase orders and Audit.**  
Purchase Orders. There were no purchase orders for this meeting.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve the audit dated July 19, 2021.

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 Councilwoman Penree, seconded by Councilman Stalteri 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, August 2, 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