

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, June 7, 2021 at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilwoman-----Kathy Penree
Councilman-----Randy Kast
Councilman-----Vito Carbone
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis

Excused: Councilman-----Daniel Stalteri
Highway Supt.-----David McManus
Deputy Attorney-----Kyle Crandall

03) Pledge of Allegiance to the Flag.

Supervisor Frank 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 May 17, 2021 as written.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated anyone from the public who would like to speak during our public meeting to please state your name, address and tell us why you are here.

Michael Carney of 810 Park Lane Drive, Herkimer stated he has had children up to the park for Youth Softball and to play basketball for the last few years and he is embarrassed at how our Town Park is maintained. He stated the bleachers are falling apart, there is mold in the building and bathrooms, the bathrooms have water leaking and the grass is never mowed. He asked whose job is it to mow the lawn? He is tired of hearing that it is not the Town Highway Departments job to mow it. He stated he has been using his own and money for gas to mow it. He asked that the Town Board take some pride in our Town Park and maintain it better. Supervisor Frank thanked Mr. Carney for his input. He stated there is not a designated person or department for mowing but there is money in the budget for the highway to access to maintain the Town Park. Board Member Kathy Penree stated we have had discussions with Highway Supt. McManus before and we will have to circle back to it. Our expectations are to have it maintained properly but the Highway Department. Mr. Carney thanked everyone for there time and stated he represents a lot of people who are disappointed with this.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A certificate of liability insurance received May 14, 2021 for Central New York Construction Inc effective 5/16/2021 through 5/16/2022
- B. A notice dated May 20, 2021 from Robert Rowe of NYMIR concerning Cyber Security coverage.
- C. A letter dated May 24, 2021 from Town of Herkimer, Supervisor Dominic Frank, for changes to the Herkimer McKennan Road Water District #3 billing.
Supervisor Frank stated this is still a draft but the board needs to approve it before we get it out to the residents. He asked the board to review it by the end of the week.

- D. A letter dated May 26, 2021, from the Senior Risk Control Specialist, Henry Van Den Heever, regarding recommendations for the Town of Herkimer. Supervisor Frank stated this is the report for our liability insurance and we have 60 days to respond with a status report. He stated we have already begun to work on some of these items and that we need to have a local law on road conditions. Clerk DeMetro will follow up with Mr. Van Den Heever for a sample of this for us to follow.
- E. An email received May 26, 2021 from Herkimer Central School Business Officer, Regina Frasier, concerning the Tax Collection Agreement. Supervisor Frank stated this is the contract for the school district to have Jodi collect taxes for the school. He stated Jodi and himself have reviewed it with no objections. Motion by Councilwoman Penree, seconded by Councilman Carbone for Supervisor Frank to sign the contract.

CARRIED AYES ALL

- F. An email and flyer received May 27, 2021, from the Herkimer County Soil & Water Conservation District Conservation Aide, Bob Tilbe, regarding a training on Post Flood Emergency Stream Intervention.
- G. A letter dated May 28, 2021, from Charter Communications Director of Government Affairs, Alice Kim, regarding Spectrum’s rebranding of the Spectrum News Channel.
- H. 2021 Rabies Vaccination Schedule received June 1, 2021 from Herkimer County Public Health.
- I. A letter dated June 1, 2021 from the Herkimer County Soil and Water Conservation District Conservation Aide, Bob Tilbe, concerning a hydroseeding Program.
- J. A webinar offered on June 17, 2021, presented by the Federal Highway Administration Local Aid Support, on the Maintenance and Monitoring of Unpaved Road.

CARRIED AYES ALL

07) Routing.

08) Resolutions and Local Laws:

Motion by Councilman Kast, seconded by Councilwoman Penree to accept and place on file the Resolution No. 16 of 2021 for the Standard Workday Reporting.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Resolution No. 17 of 2021 for the CBDG Application for the West Herkimer Water District. Supervisor Frank stated earlier this year we decided to apply for the money for West Herkimer Water District for funding for qualifying residents within the district. We were unsuccessful in this round. Our consultant recommended we re-apply for this second round. Supervisor Frank asked if they thought it was worth us pursuing and they stated yes. They told him that there was a lot of applicants and not enough funding for everyone in the first round but they think we will be successful in the second round.

CARRIED AYES ALL

09) Old Business.

CHIPS 2021: Supervisor Frank stated he has no update as to the status of the CHIPS projects.

East German Street Extension Emergency Road repair Project: Supervisor Frank stated that Highway Superintendent I seeking someone who can position the large boulders to stabilize the bank.

Water District: Supervisor Frank stated we will need to go into executive session over one of our water bills. Supervisor Frank also stated we read the master meter for East Herkimer and had 4.4 billion gallons used but we were charged for 4.8 billion gallons. Water meter reader Ken Ward stated he was going to be the week we normally ready so this was read earlier than the Village which would cause the difference in numbers. Supervisor Frank asked that we work to have the reading done at the same time as the Village to have accurate readings. Mr. Ward will work to try to get the reading at the same time from now on.

Mckennan Road Enhancement Project: Supervisor Frank stated the second soil boring was accomplished but we haven’t received the result yet. He stated he also believes the soil borings we done in East Herkimer as well for the Sewer District. Attorney Bray stated the easement looks

fine but we do not have approval yet. We are waiting for it and once the County signs it then we will have the Simpsons sign it as well.

West Herkimer Water: Supervisor Frank asked Attorney Bray if we have a bonding resolution yet? Attorney Bray stated he needs to give the description to Bond Council and Barton and Loguidice. Supervisor Frank also stated we are supposed to be received the survey maps, we thought we would have received it by now.

East Herkimer Sewer District: Attorney Bray stated bond council needs some more information from us so he needs to get together with Supervisor Frank to go over what's still needed. Supervisor Frank stated he is available anything and would like to get this completed. Supervisor Frank stated we need an easement for over Beaver Brook and the School. Without the easement we can't get the notice to proceed and without the notice to proceed we can get any of the funding available to us. Supervisor Frank asked Attorney Bray on the status of closing on the property with the Landbank? He also stated he has put the check in the Attorney Brays mailbox for when they do close. Attorney Bray stated he was told the Landbank has signed all the documents and that they are in there way to his office. Once we receive them and give the Landbank the check the purchase of the property will be complete. He expects this to be done by the end of the week.

NYMIR: Previously discussed in petitions and communications.

Codes: Code Enforcer Collis stated last week we had a Planning Board meeting and he asked the members of the board their opinion on the Zoning Application. Planning Board Chair Mark Gaworecki stated it will either have to go to the Zoning Board of Appeals or for a Special Use Permit for this change. Clerk DeMetro stated she was unaware that there was both a subdivision and a zoning change application for this property and that she believes the subdivision would have to happen first. Mark Gaworecki stated he was unaware of the subdivision application either and agrees that this would have to happen before the zoning change application.

Landbank: Attorney Bray stated he has reached out to the Landbank and is working on a draft for a shared services agreement with the Landbank for codes enforcement services.

Dog Control Local Law: Tabled

SunEast Solar Project: Tabled

Subdivision Local Law: Tabled

10) **New Business.**

Supervisor Frank asked Attorney Bray the status of the BAN. Attorney Bray stated he has stated the conversation with Bond Council for the BAN of the Tennis and Basketball Courts. They have agreed to do it but Attorney Bray will need to get them information needs for it.

Supervisor Frank stated Highway Supt. McManus is working on reviewing the equipment for a list of what is insured. Supervisor Frank also stated our insurance provider needs something in regards to an address or description of the properties we have acquired. Attorney Bray will work with him to get this completed.

Supervisor Frank stated the Village has inquired about if we will be signing a contract to support the pool again this summer. Supervisor Frank stated we are waiting to see if they are even going to be opening it or not.

11) **Reports**

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Renewal of Workers' Comp Insurance Policy for the EHF and Town of Herkimer effective 7/1/21-6/30/22 with CompAlliance.

Supervisor Frank stated the Town policy went up and the Fire Department policy cost went down. There were some significant worker's comp issues with our policy. Supervisor Frank stated he spoke to our insurance provider and agreed to work on things, trainings and ect. to reduce the increase. Most of these are for the highway department. He stated this extra cost will not affect our budget because we only pay half now.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Signed SEQR for Lead Agency of Mined Land Permit Application for Doolen Sand & Gravel.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Water & Sewer Meeting Minutes dates May 18, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Planning Board Meeting Minutes dated October 21, 2020.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Corrective Action Plan.

CARRIED AYES ALL

Supervisor Frank stated this is related to the Covid Audit that was conducted by the State. He stated there is two things that we need to do. The first thing we need to do is agree to the findings found and proper steps to the findings of our preparation for the impact of the pandemic and our fiscal planning for 2021.

Motion by Councilwoman Penree, seconded by Councilman Carbone to approve the findings found and proper steps to the findings of our preparation for the impact of the pandemic and our fiscal planning for 2021.

CARRIED AYES ALL

The second thing we need to do is approve the corrected action plan.
Motion by Councilwoman Penree, seconded by Councilman Carbone to approve the corrected action plan.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Town Clerks Report for May, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report date June 6, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Revenue and Expense Report dated June 6, 2021.

CARRIED AYES ALL

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

CARRIED AYES ALL

12) Purchase orders and Audit.
Purchase Orders.

1. 2021-11- Removing and Re-installing the Guard Rail on Piper Road and Osborne Hill Road.

Supervisor Frank stated there were two questions we had before we approved and both were answered.

Motion by Councilwoman Penree, seconded by Councilman Carbone to approve purchase order 2021-11.

CARRIED AYES ALL

2. 2021-12- Neptune T-10 Water Meters.

Motion by Councilman Penree, seconded by Councilman Carbone to approve the purchase order of 2021-12.

Supervisor Frank stated we will need these for when we take over McKennan Road water customers from the Village. We were recently informed that the price of the meters will soon be going up and we were advised to purchase them now. Councilman Carbone asked if these will be all residential meters? Supervisor Frank replied stating yes.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to approve the audit dated June 7, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to go into executive session.

CARRIED AYES ALL

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

CARRIED AYES ALL

13) Adjourn.

Motion by Councilman Carbone, seconded by Councilwoman Penree to adjourn until our next Regular Meeting to be held on June 21, 2021 at 6:00PM at the Town Hall located at 114 N. Prospect Street in Herkimer.

CARRIED AYES ALL

Jennifer DeMetro, Herkimer Town Clerk