

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, April 5, 2021, at 6:00PM telephonically and virtually.

**02) Roll Call of Officers**

Present: Supervisor-----Dominic Frank  
 Councilwoman-----Kathy Penree  
 Councilman-----Daniel Stalteri  
 Councilman-----Vito Carbone  
 Highway Supt.-----David McManus  
 Attorney-----Christopher Bray  
 Codes Enforcer-----Ken Collis

Excused: Councilman-----Randy Kast  
 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 March 15, 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.  
No one from the public wished to speak.

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

CARRIED AYES ALL

**06) Petitions and Communications.**

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

- A.) A letter dated March 15, 2021 from Laberge Group President, Richard Laberge, concerning funds available through the American Rescue Plan.
- B.) A letter received on march 16, 2021 from the Northern Border Regional Commission Program Director, Andrea Smith, granting the extension of the grant agreement to September 30, 2023.  
 Supervisor Frank stated that the funding form Northern Border has been extended until September 2023.
- C.) A letter dated March 16, 2021 from the NYS Homeland Security and Emergency Services Director for Disaster Recovery Finance, Susan Picarillo, concerning the processing of a payment.
- D.) A certificate of liability and workers' compensation insurance dated March 19, 2021 for Geraty Pools and Spa Inc., effective 3/1/2021 through 3/1/2022.
- E.) A letter dated march 29, 2021 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- F.) A letter received March 29, 2021 from National Grid concerning rate changes effective April 1, 2021.
- G.) An invitation received March 30, 2021 from Herkimer County for the ribbon cutting of the Herkimer County Correctional Facility on Wednesday, April 7<sup>th</sup>.  
 Supervisor Frank stated that he will be in attendance for the Ribbon cutting for the new Herkimer County Correctional Facility on Wednesday.
- H.) A letter received March 30, 2021 from Eligo Energy Head of Aggregations, Tim Furlong, concerning Green Energy.

- 1.) The proof of filing with the Herkimer County Clerks Officer for the Establishment of the East Herkimer Sewer District, the Resolution and Order to Approve the Formation of the West Herkimer Water District, and the Establishment of Water District No. 3.
- J.) The proof of filing of maps with the Herkimer County Clerks Officer for the Proposed East Herkimer Sewer District Boundary, Highland Ave. & Beardslee Ave. Sewer District, and Water District No. 3.

CARRIED AYES ALL

**07) Routing.**

**08) Resolutions.**

**09) Old Business.**

Water District: Supervisor Frank stated that time was spent looking for leaks. He also stated that Mckennan and Highland Ave. are ok. There has been communications and potential negotiations with the Village of Herkimer. Supervisor Frank stated that we will go into executive session later to discuss.

Mckennan Road Enhancement Project: Supervisor Frank stated that the Bond Council needs to be finalized. Attorney Bray stated that they have a survey description, and he just needs to have the easement paperwork finished. Once it is finished Attorney Bray stated that he will get in touch with the landowners to complete the agreement. Supervisor Frank stated that the soil boring is finished and the consultant is waiting for the final report.

West Herkimer Water: Supervisor Frank stated that as far as we know the survey is complete. He also stated that everything has been submitted for the grant. Supervisor Frank asked Attorney Bray to follow up with the status of submitting the grant and when we would hear the results.

East Herkimer Sewer District: Supervisor Frank stated that he has a set of plans under report. He also stated that he left a copy at the Town Office, on the front counter with Town Clerk DeMetro. Supervisor Frank stated that the Board needs to review this report so they can pursue a final report. He stated that the engineers are waiting on our final say. Supervisor Frank mentioned that Highway Superintendent McMannus is reviewing the report as well. Attorney Bray stated that plans have changed since the beginning, when he reviewed the documents. He also stated that the Bond Council will need to review and see all of the new updates. Supervisor Frank asked to have a new cost estimate for the changes in the plans. He also stated that town Clerk DeMetro will have the plans at the office, and that he will send them to Attorney Bray electronically. Attorney Bray stated that they have not closed on the property with the Landbank, but they are close to closing. Attorney Bray believes that he has everything we need in order to close on the property. Supervisor Frank stated that the easements are required, and the consultant engineer needs them. He also stated that they need notice to proceed, but they can't until the easement is settled for the Northern Border.

Codes: Codes Enforcer Collis stated that there is no new news about anything and that he is opening the discussion for the Board to ask him and questions or concerns they might have.

Supervisor Frank asked Codes Enforcer Collis if there is any news on the Kast Bridge Barn. Codes Enforcer Collis stated that he hasn't received a permit yet, but he will follow up with the landowner again. Councilwoman Penree asked if there were any updates with the Rubino's. Codes Enforcer Collis stated that he will be working on it some more for progress. Councilwoman Penree asked town Clerk DeMetro if there is any way to put up a reminder on the website to remind people to get the proper permits since the weather is getting nicer. Councilwoman Penree also asked Highway Superintendent about when the trash days are for the town. Highway Superintendent McMannus stated the trash days will be Thursday June 3<sup>rd</sup> and Friday June 4<sup>th</sup>, from 7 AM until 5 PM, and Saturday June 5<sup>th</sup> from 8 AM until noon. He also stated that we will be calling for the shred Tuck for Saturday June 5<sup>th</sup>.

NYMIR: Supervisor Frank stated that Workers Compensation will have an inspection this month at the town Office and at the Town Garage.

Landbank: Supervisor Frank stated that in the audit they will see the payment for back water bills.

SunEast Solar Project:

Subdivision Local Law:

**10) New Business.**

Paving Schedule: Highway Superintendent McManus stated that he would like to start his paving schedule for the summer. He also stated that he has received the Chips money. He also stated that he has received 308 thousand which we can use to blacktop and seal roads behind the Fire Station and behind Cangies on McKennan Rd. Highway Superintendent McManus asked the Board to review the plans so he can get started right away. He also stated that this is all contracted work. Supervisor Frank stated that if the board approves, he would recommend a short-term loan to get these projects started and to save our funding on hand. Legislator Gaworecki stated that slurry is good but the more you use it the weaker the roads get. He also stated the last time slurry was used cracks began to show within a few weeks.

Town Park: Councilman Stalteri stated that he was in the process of submitting the RFQ for paving. Councilman Stalteri is asking the Highway to tear up the asphalt to renovate the basketball court at the Town Park. He also stated that he needed to go up there in the next couple of weeks to get measurements of the basketball court.

Councilman Stalteri asked Highway Superintendent McManus about the status of the clothing for the Highway. Highway Superintendent McManus stated that he got a vendor for the clothing and are in the process of being sized up. He expects the t-shirts to be in soon. Highway Superintendent McManus also stated that he has received five or six different quotes.

Webinar on Cannabis: Supervisor Frank stated that he will be passing on information about a webinar on Cannabis. He believes Cannabis will be highly regulated by the state.

Supervisor Frank also stated that the town would be notified of any cannabis in our town by the state and we have to option to opt out of allowing it to be grown or have a consumption site in the Town. He stated that restrictions can be made as to where the consumption site would be located. Supervisor Frank believes we could benefit from the sales tax if we allow consumption sites or places to grow cannabis in our jurisdiction.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the East Herkimer Sewer District Proposed Draft Plans. Supervisor Frank stated that the Board needs to get these plans reviewed.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the NYS Homeland Security & Emergency Services Single Audit Certification Form. Supervisor Frank stated that it is annual and we have to prove to the state of New York if we received so much funding or not. He also stated that if we meet the criteria, we need to have an audit, but we did not in 2020.

CARRIED AYES ALL

Motion by Councilman Carbone seconded by Councilwoman Penree, to accept and place on file the Water & Sewer Meeting Minutes dated March 16, 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Water & Sewer Meeting Minutes dated March 23, 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Signed Teamsters Agreement 2021-2023.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Town Clerks Report for March, 2021 from Clerk DeMetro.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Trial Balance report dated April 4, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated April 4, 2021.

CARRIED AYES ALL

**11) Purchase orders and Audit.**

Purchase Orders.

Audit dated April 4, 2021:

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Audit dated April 4, 2021.

Councilman Stalteri recused himself from the Hummel's bill.  
CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to go into Executive Session to discuss litigation.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to conclude Executive Session and resume regular meeting of the Town Board. No decisions were made.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to have Town Attorney Bray to draft a resolution providing financial support for the Building Project of the Friends of Historic Herkimer to renovate and restore the Old County Jail.

Supervisor Frank indicated that he would reach out to the Friends of Historic Herkimer and discuss a range of support.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilwoman Penree, seconded by Councilman Carbone, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, April 19, 2021 at 6:00PM. The next meeting is scheduled as a virtual and telephonically meeting.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk