

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, February 1, 2021, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

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

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

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 Councilman Stalteri, to accept and place on file the minutes of the previous meetings held on January 19, 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 Stalteri, seconded by Councilman Carbone, to accept and place on file all the petitions and communications 6A and H listed below.

- A.) A letter dated January 10, 2021 from Constructure Technologies concerning the Statutory Gross Receipts for December, 2020.
- B.) A letter dated January 15, 2021 from the Herkimer County Treasurer, Kim Enea, concerning the sales tax apportionment summary for the fourth quarter of 2020 based on the 2019 tax roll.
 Supervisor Frank stated this is a healthy sales report and is a good start towards our goal.
- C.) A letter dated January 20, 2021 from Supervisor Frank to the Northern Border Regional Commission Program Director, Andrea Smith, concerning the quarterly reports.
- D.) A letter dated January 22, 2021 from the NYS Unified Court System Fifth District Administrative Judge, James Murphy, awarding the Herkimer Town Court 2020-21 JCAP grant.
 Supervisor Frank stated the Court was awarded \$900 for filing cabinets from the JCAP grant.
- E.) An email dated January 26, 2021 from the Office of the State Comptroller Division of Local Government and School Accountability Auditor, Lisa Semenick, concerning the impact of COVID on the 2021 budget.
 Supervisor Frank stated the State Comptroller’s Office wants to take a look at our budget and how it was impacted by the Coronavirus. We are assembling the data requested to show how we ended 2020. Clerk DeMetro and Highway Supt. McManus are working on a report of purchases made due to the pandemic.
- F.) Emails dated January 28, 2021 from the NYS Public Service Commission concerning subsequent filing of order granting in part and subject to modifications petition of Enhance Electric Safety Standards for two cases.

G.) A letter dated January 29, 2021 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.

H.) A letter dated February 1, 2021 from Supervisor Frank to NYS Division of Homeland Security and Emergency Services Commissioner, Patrick Murphy, concerning the FEMA Hazard Mitigation Grant Program.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Resolution No. 10 of 2021- Health Insurance Cost to Town Officials- will discuss further in executive session.

Motion by Councilman Stateri, seconded by Councilman Carbone to accept, place on file and approve all the budget transfers for 2020 recommended by Supervisor Frank.

CARRIED AYES ALL

09) Old Business.

Water District: Supervisor Frank stated we should be reading the East Herkimer Water District this week.

Mckennan Road Enhancement Project: Supervisor Frank stated we received some good news later this afternoon that the County gave us permission and is allowing us to have the pump station where we want it. Supervisor Frank thanked Legislator Robert Schrader for his efforts with making this possible. Supervisor Frank stated the soil borings have been postponed until February. All of the insurance issues have been resolved. He also stated he is in the process of reviewing the parcels with Assessor Dan Maxwell to make sure all the parcels in this district are identified with real property. This needs to be done by March to be able to tax the district on next year's tax bill if the project gets completed this year.

West Herkimer Water: Supervisor Frank stated we are doing the same thing with this district to get all the parcels identified as well. We have a public hearing set for our next meeting relative to the grant that we are trying to get eligible for. He also stated we have signed our portion of the contract and are waiting to get it back. Supervisor Frank asked Attorney Bray where we are with a quote from bond council? He stated we wanted to have two quotes but we need to get this done so if we only have one maybe we should just go with who our consultant engineer recommended. Attorney Bray replied stating he has a phone appointment this week with who we currently use and will let them know we need a quote as soon as possible. Councilman Kast stated it would be nice to see two quotes. Supervisor Frank stated we will vote on this at our next meeting so we can keep the process moving for this project.

East Herkimer Sewer District: Attorney Bray stated we received the title report back on January 29, 2021. He has since forwarded it to the Greater Mohawk Valley Landbanks attorney, but has not heard a response back yet. He stated the report showed that there are two open mortgages on the property one from 1905 for \$200 and one more recently from 1997 for \$11,985. He stated these may have been wiped out by the tax sale of the property but they are still showing open in the County Clerk's Office. Legislator Robert Schrader stated the Landbank acquired this property from the owner not from the County.

SunEast Solar Project: Supervisor Frank stated we are waiting for them to have an arrangement to hook up to the grid.

Codes: Codes Enforcer Collis stated he received a call last week from a tenant from the trailer park on Main Road that said the pipes were frozen in the road portion of the driveway.

Councilman Stateri stated this happened because the cap was taken off by a plow that then caused the water to shut off. This has since been taken care of. Supervisor Frank asked the status of how many people were still living at the Glen Ridge Motel. Collis replied stating that there is one person left. Councilman Carbone stated this tenant got his dog up to date on shots and licensed so he would be able to move into an apartment in Little Falls. He is supposed to move there this week. There was an article written up in the paper about his situation and people have volunteered to help him move and have also made donations to him. Councilman Kast asked if the cats were still living at the Motel? Collis replied stating not that he is aware of. Supervisor

Frank asked if we can shut the water off and condemn the building once the last tenant moves out? Attorney Bray replied stating yes, he believes we can then. Councilman Stalteri asked what the status is for the water and garbage situations? Codes Enforcer Collis replied stating that the garbage is cleaned up and that he is unsure on the water. Supervisor Frank stated our next water meeting is the same day as our next meeting so we should have more to report then. Councilman Carbone asked what to do about the people who keeping coming back to get stuff they have left in the rooms and that are using the rooms as storage? Attorney Bray stated that will be between them and the owner. We can't do anything regarding that because we are not the owners. Codes Enforcer Collis stated he put all new condemned signs on all the doors. Councilman Carbone asked how do we get our money back for the work that our guys have done to repair the water break on the property. Supervisor Frank stated we had put it on their water bill. The owner never pays his water bills and then it gets paid from the re-levy on his tax bill in January. He stated he is unsure if it was done in time to be on this year's re-levy to taxes or if it will be on next year's taxes. Attorney Bray stated even if the owner sells the property the water bills have to be paid with the proceeds. Legislator Robert Schrader thanked the board for all their efforts in taking care of this situation.

Landbank: Supervisor Frank stated Councilman Stalteri and himself interviewed the recommended person for the Zombie quarterback position since the last one decided to work elsewhere. He stated the candidate seemed more than qualified for the position.

Dog Control Local Law: Tabled.

Subdivision Local Law: Tabled.

10) New Business.

Supervisor Frank stated we have received a foil request for budget expense information for the highway department as well as our employees drug tests. We are unable to give personal information regarding drug testing but will work on getting together the budget expense information requested.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated January 31, 2021.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Dog Control Report for January, 2021 from DCO Erica Dunton.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated January 31, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated January 31, 2021.

CARRIED AYES ALL

Supervisor Frank stated he spoke with Highway Supt. McManus and would like to report that all of his work force is back.

11) Purchase orders and Audit.

There were no purchased.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Audit dated January 31, 2021.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to go into executive session to discuss personnel.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Kast, second by Councilman Stalteri to resume regular meeting of the Town Board with no decisions were made in executive session.

CARRIED AYES ALL

Motion by Councilman Kast, second by Councilman Stalteri to authorize Supervisor Frank to contact owner of Arthur Street property to discuss a potential purchase offer.

Attorney Bray indicated that he received the second appraisal of the property. Supervisor Frank indicated his conversation with the owner will center around the two appraisals.

CARRIED AYES ALL

Motion by Councilman Stalteri, second by Councilman Carbone to approve the RESOLUTION No. 10 of 2021 AMENDING THE EMPLOYEE HEALTH INSURANCE POLICY FOR THE TOWN OF HERKIMER with the following amendments to the resolution:

For all Elected Officials who are elected to Town Office after July 1st 2002 and prior to December 31, 2018, the TOWN will pay a percentage of the Health Insurance premium for the plan selected as long as the Elected Official remains in their elected office.
Councilwoman Penree recused herself from the vote.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Carbone, seconded by Councilwoman Penree, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Tuesday, February 16, 2021 at 6:00PM. The next meeting is scheduled as a virtual and telephonically meeting.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk