

01) Supervisor Frank called to order the **Organizational Meeting** of the Town Board of Herkimer held on Monday, January 6th, 2020, at 6:00PM, in the Herkimer Town Hall located at 114 N. Prospect St., Herkimer, NY 13350.

02) Roll Call of Officers

Present:

Supervisor-----	Dominic Frank
Councilman-----	Daniel Stalteri
Councilman-----	Vito Carbone
Councilwoman-----	Kathy Penree
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.

Councilman Carbone led us in the Pledge of Allegiance to the Flag.

04) Reading of the Minutes.

Motion by Councilman Stalteri, seconded by Councilman Carbone, to accept and place on file the minutes of the previous meeting held on December 30th, 2019 as written.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated he would like to start the meeting with wishing a Happy New Year to everyone. Supervisor Frank stated if anyone would like to address the board to please state you name, address, and tell us why you are here.

Arthur Kozacowski of 155 Eatonville Road he has noticed a cell tower going up near his home and has concerns about the radiation. He stated he was not notified that this was going up so close to his home and really does not want it there because it brings many health concerns with the high frequencies used that not enough research has been done on yet. He stated he would like to know the license number for the Broadcast and what the Town is doing to make sure himself and his neighbors are safe. Codes Enforcer Collis stated he initiated a building permit and that being the location of the tower was going to be in zoned agriculture he took it upon himself to approve it. He stated from the site you can not see any neighbors and that he has looked at various studies and there is nothing significantly for or against in any health studies. Mr. Kozacowski stated the neighbors should have been notified. Collis replied stating he thought they did. He stated he probably should have gone over this with the Planning Board but didn't see an issue because it is not near any homes. Councilman Stalteri asked if we could put a stop order on the project so we can look more into these concerns. Collis stated we could but these are considered a public service and are 1,000 feet from a home. Stalteri asked if we have any guidelines for the size ect. for these types for projects. Mr. Kozacowski stated there is lots of information on the difference between 4G and 5G. Stalteri asked who was putting the cell tower up. Collis replied stating a company called Horvath puts the towers up for Verizon. The tower is supposed to have three or four transmission satellites. Stalteri stated as a resident coming to us with a public safety concern, he feels it is important for us to do our due diligence to look further into this. Supervisor Frank stated we might have time before construction is continued to figure this out without holding up the project. Councilwoman Penree asked if any other towns are running in to similar issues? Mr. Kozacowski wants a study that says these are safe. Collis will call the company tomorrow and ask for information regarding the safety of the tower. Stalteri also suggested writing a letter to Verizon with a list of questions and concerns that they need to respond to within ten days or we will put a stop work order in place. We will give them a chance to give us the reassurances we need before moving forward.

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

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file all the petitions and communications 6A&B listed below.

A. An invitation to the MOVAC Annual Banquet to be held on January 17, 2020 at the Mohawk American Legion.

B. An invitation to a FEMA Application Briefing Meeting on January 15, 2020 at 9:00AM at HCCC for officials only.

Supervisor Frank stated there is two parts to this meeting. The first part is the application for the immediate needs for Osborne Hill Road and other necessary clean up throughout the town and the second part is how to apply for a long-term fix. Highway Supt. McMannus he received the bill and will put it in to be paid at our next meeting as a 2019 bill. Councilman Stalteri and Highway Supt. McMannus will attend the meeting next Wednesday.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Supervisor Frank stated he is appointing Councilman Daniel Stalteri as Deputy Supervisor.

Motion by Councilman Carbone, seconded by Councilwoman Penree to approve Resolution No. 1 of 2020- Banking Resolution Authorizing Supervisor Frank, Deputy Supervisor Stalteri to handle banking responsibilities in 2020, upon signature filing, with M&T Bank, Adirondack Bank and NBT Bank. Supervisor Frank stated we can further discuss amongst ourselves if we choose to add and appoint an alternate signer on the accounts. Supervisor Frank also stated this motion will remove Randy Kast and Craig Gross from all signature cards.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to approve Resolution No. 2 of 2020- Town of Herkimer Official Undertaking of Municipal Officers.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve Resolution No. 3 of 2020- Town of Herkimer Code of Ethics/Conflict of Interest form. Supervisor Frank reminded everyone to fill out their conflict of interest forms and return them to Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to approve Resolution No. 4 of 2020- Town of Herkimer Civility Code.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve Resolution No. 5 of 2020- Fixed Salary Resolution - Town of Herkimer salaries/salary schedule is attached.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to approve Resolution No. 6 of 2020- Mileage Resolution -Setting mileage reimbursement per IRS reimbursement standard.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Penree to approve Resolution No. 7 of 2020- Meeting Resolution -Setting Town Board meeting schedule. Attorney Bray stated he added some language in the second paragraph referencing the policy for canceling a meeting.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Superintendent McManus stated he has nothing new to report.

McKennan Road Enhancement Project: Supervisor Frank stated the surveyor will be on the job this week. When this is finished, we will get the information to Attorney Bray so he can get a closing date. We will also need to rebid for the clearing of this land as well.

West Herkimer Water: Supervisor Frank stated we go the SEQRA out last week.

East Herkimer Sewer District: Supervisor Frank stated he saw in the paper that the Village approved to allow a contract with us for these services. Supervisor Frank will schedule a meeting with them.

Steuben Hill Road:

Codes: Codes Enforcer Collis stated that he spoke to the owners about the chickens and they will have them out by this Friday. Councilman Stalteri stated we should cell towers into our codes. The board agreed.

Landbank: Supervisor Frank stated the landbank is negotiating with the County over the trailer park.

NYMIR Risk Control Resurvey Report:

Workplace Violence: Supervisor Frank stated he will do the training for Councilman Carbone and Councilwoman Penree after tonight's meeting.

Strategic Plan:

Website:

Dog Control Local Law:

Subdivision Local Law:

10) New Business.

Appointments for 2020:

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that David McManus be re-appointed as the Town of Herkimer Water Superintendent for a one-year term, 01/01/20 to 12/31/21.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Jodi Rivers be re-appointed as the Town of Herkimer Water Clerk for a one-year term, 01/01/20 to 12/31/20.

CARRIED AYES ALL

Town of Herkimer Deputy Water Clerks for a one-year term, 01/01/20 to 12/31/20.
Supervisor Frank asked to have Water Clerk Jodi Rivers write a letter of who she wishes to appoint.

TABLED

Town of Herkimer Deputy Receiver of Taxes for a one-year term, 01/01/20 to 12/31/20.
Supervisor Frank asked to have Receiver of Taxes Jodi Rivers write a letter of who she wishes to appoint.

TABLED

Deputy Town Clerk for a one-year term, 01/01/20 to 12/31/20.
Clerk DeMetro stated she still has to find someone to be her deputy.

TABLED

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Jennifer DeMetro be re-appointed as the Town of Herkimer Registrar of Vital Statistics for a two-year term, 01/01/20 to 12/31/21.

CARRIED AYES ALL

Deputy Registrar of Vital Statistics for a one-year term, 01/01/20 to 12/31/20.
Clerk DeMetro stated she would like to table this until she finds a Deputy Town Clerk.

TABLED

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Jennifer DeMetro be appointed as the Town of Herkimer Records Management Officer for a two-year term, 01/01/20 to 12/31/21.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone, upon the recommendation of the Herkimer Town Board, that Jodi Rivers be re-appointed as the Town of Herkimer Town Park Supervisor for a one-year term, 01/01/20 to 12/31/20.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Kyle Crandall be appointed as the Deputy Town Attorney for a one-year term, 01/01/20 to 12/31/20.

CARRIED AYES ALL

Motion by Councilwomen Penree, seconded by Councilman Stalteri, upon the recommendation of the Supervisor, that Amanda Visomi be re-appointed as the Town of Herkimer Bookkeeper for a one-year term, 01/01/20 to 12/31/20.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree, upon the recommendation of the Supervisor, that Marcia Baylor be re-appointed as the Town of Herkimer Budget Officer for a one-year term, 01/01/20 to 12/31/20.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Kenneth Collis be appointed as the Codes Enforcer for a two-year term, 01/01/20 to 12/31/21.

CARRIED AYES ALL

Town Sole Assessor for a six-year term, 01/01/20 to 09/30/25.
The board agreed to table this at this time.

TABLE

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Erica Dunton be appointed as the Dog Control Officer for the Town and Village of Herkimer for a one-year term contingent on contract.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Jim Greiner be re-appointed as the Town of Herkimer Town Historian for a two-year term, 01/01/20 to 12/31/21.

CARRIED AYES ALL

Town Health Officer for a two-year term, 01/01/20 to 12/31/21.
Supervisor Frank stated he will reach out to Dr. DeCarlo to see if her would like to be reappointed again.

TABLED

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Gary Stukey be re-appointed as the Town of Herkimer Planning Board Member for a five-year term, 01/01/20 to 12/31/24.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that John Boniface be re-appointed as the Town of Herkimer Zoning Board of Appeals Chairman for a five-year term, 01/01/20 to 12/31/24.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Jennifer DeMetro be re-appointed as the Town of Herkimer Fair Housing Officer for a one-year term, 01/01/20 to 12/31/20.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that Brian Keeler be appointed as the Town of Herkimer Town Computer Technician for a one-year term, 01/01/20 to 12/31/20.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that Town Employees seminar/training reimbursement be acceptable with board approval.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri, upon the recommendation of the Herkimer Town Board, that TimesTelegram be named as the Official Town Newspaper for the Town of Herkimer.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree, upon the recommendation of the Herkimer Town Board, that the Town of Herkimer fee schedule be accepted, placed on file and approved for 2020 with recommended edits.

CARRIED AYES ALL

1.1) Reports.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Bonadio Proposal.

Supervisor Frank stated this is a proposal for a firm to take a look at our fund balances and to help us better record our balances and record our debt. He stated he submitted all entries that we have done for the last few years. Councilwoman Penree asked if the Association of Towns has any agreements with firms to do this kind of work. Councilman Stalteri stated we should do our due diligence and get another because this is such a high cost. The board agreed.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town Clerks Report for December, 2019 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the 2019 Annual Town Clerks Report from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Dog Control Report for December, 2019 from Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Full Environmental Assessment Form Part 1 for the West Herkimer Water District completed on January 2, 2020 by Supervisor Frank.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance report dated January 6, 2020.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri Penree to accept and place on file the Revenue and Expense report dated January 6, 2020.

CARRIED AYES ALL

Supervisor Frank stated in regard to the LED Lighting Proposal, they will begin work within the next week or two.

Supervisor Frank stated Codes Enforcer Collis and himself met with a representative from Easton Renewals who deals with community solar farms. We gave him our local laws. This is proposed to be located on John Boniface's land, north of our sewer line. Councilwoman Penree asked if this is a conflict with him being on our Zoning Board of Appeals. Attorney Bray stated he would need to recuse himself from any conflict.

Supervisor Frank stated the Teamsters want to do an audit for the last five years. We are unsure if they have the authority to do so. Supervisor Frank will contact Deputy Attorney Crandall regarding this issue.

Supervisor Frank stated tomorrow he will be meeting with an appraiser for the salt shed location.

1.1) Purchase orders and Audit.

Supervisor Frank stated we have two purchase orders for tonight for Supervisor Frank and Justice Karl Manne to attend the Annual Association of Town Training.

The board approved both purchase orders.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to approve the Audit dated January 6, 2020.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri and second by Councilwoman Penree to close executive session and reopen the regular meeting of the Town of Herkimer with no decisions were made in Executive Session.

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, January 21st, 2020 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk