

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, April 20, 2020, at 6:00PM, for members of the Board to attend and participate electronically, including, but not limited to telephonically.

02) Roll Call of Officers

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

03) Pledge of Allegiance to the Flag.

Councilman Kast 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 meetings held on March 16th, 2020 as written.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated we have Chris Lawton with us tonight to give us an update on the West Herkimer Water District.

Chris Lawton of Barton and Loguidice stated he is with us to discuss the West Herkimer Water District. He stated he is not sure how long to hold the timing of forming districts due the recent shut downs because of Covid-19. He stated we have two options; we can move forward as planned or we wait and see what the state comptroller says. We might have to do another public hearing extending the permission referendum. He stated he has spoke with the attorney and since there is no precedence for this, then he would recommend we get it over with and file with the state comptroller. Since this district was wanted by residents and we received a petition for it makes it easier to move forward with the process. He stated he would recommend that we wait to spend money though. Nothing says we can't, but this is unknown. Councilman Stalteri stated based on the public hearing we had at the High School; he thinks we should move forward because the infrastructure is essential. Supervisor Frank stated Bond Council showed concern if we don't extend the permissive referendum. Chris Lawton stated this would be the final step to establishing the district. Councilman Kast asked if we should wait till the state reopens? Supervisor Frank stated we would have to put it in the paper again if the proper time calendar has passed. Supervisor Frank asked Clerk DeMetro if she has had any inquiries concerning the formation of the district or if anyone has contacted her concerning the permissive referendum. She replied stating she has not had anyone contact her regarding this. Attorney Bray stated that we could go ahead and pass the formation of the district and send it into the state comptroller. If they send it back asking us to hold another public hearing, we can do so if need be. Since this water district was wanted by the residents, he doesn't see a problem with us moving forward at this time. There is no precedence for the current pandemic. The board agreed to pass the formation of the water district.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve Resolution No. 16 of 2020 to approve the formation of the West Herkimer Water District.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree 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-M listed below.

- A.) A letter dated March 10, 2020 from Constructure Technologies concerning the Statutory Gross Receipts for February, 2020.
- B.) A letter dated March 15, 2020 from NYMIR Division President, Susan O'Rorke, concerning the Commercial Property Policy coverage in respects to the COVID019 virus.
- C.) A letter dated March 16, 2020 from Senator James Seward, concerning funding for the Town of Herkimer EFC Project.
Supervisor Frank stated Senator Seward sent of letter of support for the EFC for further funding for the East Herkimer Sewer District.
- D.) A letter dated March 16, 2020 from National Grid Chief Customer Officer, Gregory Knight, concerning COVID-19.
- E.) A letter dated March 17, 2020 from Property Rights Foundation of America concerning the Assembly Bill 8123A.
- F.) A letter dated March 20, 2020 from Kenneth Stilwell, Executive Administrator of the NYS Teamsters Council Health and Hospital Fund concerning the Audit Report Period #2 from January 2015- December 2019.
Supervisor Frank stated we did undergo an audit with Teamsters and everything was okay.
- G.) An email dated March 26, 2020 from the Herkimer Central School District Elementary Assistant Principal, Cristi Paragi, concerning the Summer Youth Recreation Program.
- H.) A letter dated March 27, 2020 from NBT Insurance Agency concerning the Governmental Insurance Disclosure.
- I.) A resolution adopted by the Herkimer County Legislature on the April 1, 2020 concerning the Eastern Mohawk Valley Regional Water Transmission Main Project, Creating Account, and Amending Budget.
- J.) A letter dated April 3, 2020 Kevin Murphy of the Wladis Law Firm, P.C. concerning the Letter of Engagement/SunEast Development LLC Watkins Road Solar Project.
Supervisor Frank stated we have an item for discussion and hopefully will vote on it. This the consulting attorney that works with the Town of Schuyler for the solar project and the proposal is an engagement letter to work with us o the same project. They would be paid through the escrow engineering consultant and Schuyler would be paying the bills.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to approve to engage in the contract.

CARRIED AYES ALL

- K.) A letter dated April 7, 2020 from the Village of Herkimer Attorney, Nicholoas Macri, concerning issues with water and billing.
Supervisor Frank stated this is a letter from the Village of Herkimer and part of what it states is there will be no negotiating over leaks or late payments. We have also agreed to pay half the cost of a master meter for the East Herkimer Water District. Attorney Bray will respond to the letter. There needs to be some discussion if a bill is pulled because we believe it is not correct. Supervisor Frank stated the water committee came up with a plan to get the billing on the same schedule as the Village. There will be three weeks added to the next bill so these bills will be a little higher than normal and then we will remain on the same schedule as the Village. This is will be in the best interest of our water customers. The board agreed. This will give us more comparable numbers to go by. Councilman Stalteri stated our reading should be in sync with when the Village reads the master meter. Supervisor Frank stated the water committee also recommended that we read weekly to catch leaks. Highway Supt. McManus stated he has a purchase order for a listener to find leaks. Councilman Kast stated if it is at State contract price then we do not need quotes.
Motion by Councilman Stalteri, seconded by Councilman Kast to approve the purchased order.

CARRIED AYES ALL

L.) A notice dated April 9, 2020 from NYS Department of Environmental Conservation Acting Regional Attorney of Region 6, Barbara McGinn, concerning enforcement action against Auto Salvage Technologies, Inc.

Councilwomen Penree stated we would expect a letter back from them of what the inquiries were. Codes Enforcer Collis stated he tried to call the DEC but didn't hear a response back yet.

M.) A letter dated April 14, 2020 from Charter Communication concerning upcoming changes in service.

07) Routing.

08) Resolutions.

09) Old Business.

Water District:

Mckennan Road Enhancement Project: Supervisor Frank stated we are working with a bank to discuss a mortgage on one of the pieces of property we are trying to purchase. We have asked for a release of the mortgage for that portion of land. We are working with the DOH until we own the property to help expedite the process.

West Herkimer Water:

East Herkimer Sewer District: The board discussed an alternate route for the line and ways to save some costs for the project. Supervisor Frank stated we are still waiting on a sewer contract with the Village. The Mayor also informed him that the final roll for the Village taxes had not been filed with the County by its deadline. Supervisor Frank stated he spoke with our Assessor Dan Maxwell regarding this and he will be in contact with the County tomorrow.

Steuben Hill Road:

Solar Project on Sokol Road:

Codes: Codes Enforcer Collis stated there was a fire in the Motel office. It is believed to be arson. He stated the troopers are there all the time because of fighting and fires. Supervisor Frank stated we should be referring to our nuisance law for this. Collis stated that two or more offences in a year couldn't be closed down for more than a year. Attorney Bray will review the nuisance law and have it ready for when the courts re-open. Codes Enforcer Collis stated he has received complaints of trailers in the trailer park not being up to code so he went and inspected them and all but one is up to code. He sent a letter regular mail and one certified to the owners of the trailer letting them know what had to be done.

NYMIR Risk Control Resurvey Report:

Landbank: Supervisor Frank stated the water bills from 2017 and 2018 have mostly been taken care of by the previous owner. Through 2019 the water bills haven't been paid and most of that year was still owned by the previous owner. The Landbank only owned it for a couple of months in 2019 and into 2020. The Landbank is asking us to consider us to drop the penalties for them and the previous owner and they would ask their board to fund what is owed. Supervisor Frank stated if we agree then Water Clerk Rivers can officially take care of this. Councilman Stalteri asked how much is owed in late fees. Supervisor Frank replied stating between three and five hundred dollars. They want an agreement stating if the previous owner pays the money, he owes us then we would reimburse the Landbank. Councilwoman Penree asked if we are setting a precedent because we had a similar thing last year and we approved to waive the late fees. Councilman Stalteri stated the grant is ready to go for the Landbank but the State won't let them move forward until they settle up their debts. He thinks we should take them up on this so we can get the money and have this paid up to date. He stated we will have Attorney Bray put in the agreement that if they are continuously late than it will terminate the agreement.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve this agreement with the Landbank.

CARRIED AYES ALL

Website: Supervisor Frank stated that the website was suppose to be going live today and that they will be letting us know how we can update things on our own.

Dog Control Local Law:

Subdivision Local Law:

Herkimer County Humane Society Agreement: Attorney Bray stated he has been in contact with Robert Schrader on this.

10) New Business.

Supervisor Frank stated we have another potential solar project happening in the Town. This one would be by DynaSolar for the property on Shells Bush Road owned by Dwayne Aney. He stated we need a special authorization form and he has been working with Attorney Bray, Codes Enforcer Collis and Planning Board Chair Gaworecki. We took what we had put together from other towns and sent it to the attorney we are working with for the SunEast Solar Project. He made some corrections that were minor but now we need to approve this. He asked the board to review it so we can pass it. He also stated its fairly extensive and can be used for other instances as addressed in our Zoning Ordinance.

Motion by Councilwomen Penree, seconded by Council Stalteri to approve the Special Authorization Form.

CARRIED AYES ALL

Supervisor Frank stated relative to DynaSolar, we are going to need consultants. He stated we should send out letters of engagement. Supervisor Frank stated he would like to engage with CT Male and Frank Palumbo, one for the SunEast Project and one for the DynaSolar Project. He stated all expenses would be paid through escrow.

Motion by Councilman Kast, seconded by Councilman Stalteri to approve both engagements.

CARRIED AYES ALL

Highway Supt. McManus stated Eric Jantzen is an employee if his that has been gone for over a year and he would like to state looking for another employee. Councilman Kast stated we will need to contact to Attorney Crandall so he can let the union know our intentions. Supervisor Frank stated Eric has been out on workers' comp and that he believes there are laws that govern how long someone can be out and not return. Councilwoman Penree asked if our highway employees are back on? McManus stated yes and he has staggered shifts to every other day and is requiring them all to wear masks. He stated there are plenty of small things for them to do right now.

Town Board Meeting Schedule: Supervisor Frank stated he is proposing that we meet once again next month. He also stated he has the authority to pay bills if needed to before a meeting. The board agreed and will meet again on May 18, 2020 at 6:00PM virtually and telephonically.

Motion by Councilman Stalteri, seconded by Councilman Kast to temporary amend the board schedule and will hold our next meeting on May 18, 2020 at 6:00PM virtually and telephonically.

CARRIED AYES ALL

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Water and Sewer Meeting Minutes dated March 24, 2020.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Kast to accept and place on file the Cash Reports for March, 2020.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Bank Reconciliation Report for February, 2020.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on the Reconciliation Report for January, 2020.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman Penree to accept and place on file the Town Clerks Report for March, 2020 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman Penree to accept and place on the Dog Control Report for March, 2020 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on the Trial Balance Report dated April 15, 2020.

CARRIED AYES ALL

Motion by Councilman Kast seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated April 15, 2020.

CARRIED AYES ALL

11) Purchase orders and Audit.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Audit dated April 7, 2020.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Stalteri, seconded by Councilman Kast, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, May 18th, 2020 at 6:00PM virtually and telephonically.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk