

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, June 15, 2020, at 6:00PM, virtually and telephonically.

**02) Roll Call of Officers**

Present: Supervisor-----Dominic Frank  
 Councilman-----Daniel Stateri  
 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.**

Supervisor Frank led us in the Pledge of Allegiance to the Flag.

**04) Reading of the Minutes.**

Motion by Councilman Kast seconded by Councilman Carbone, to accept and place on file the minutes of the previous meetings held on May 18, 2020 as written.

CARRIED AYES ALL

Motion by Councilwoman Penree seconded by Councilman Carbone, to accept and place on file the minutes of the previous meetings held on June 1, 2020 as written.

CARRIED AYES ALL

**05) Public Meeting.**

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

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

CARRIED AYES ALL

**06) Petitions and Communications.**

Motion by Councilman Stateri, seconded by Councilwoman Penree, to accept and place on file all the petitions and communications 6A-N listed below.

- A.) A letter dated May 12, 2020 from the NYS Dept. of Taxation and Finance Office of Real Property Tax Services concerning the Final State Equalization Rate for the 2020 Assessment Roll.
- B.) A certificate of liability insurance dated May 14, 2020 for Central New York Construction Inc. with the policy effective 5/16/20 through 5/16/21.
- C.) An email dated May 19, 2020 from Kevin Murphy of the Wladis Law Firm, concerning the fully executed municipal cost and expense agreement.
- D.) A letter dated May 28, 2020 from the U.S. Department of the Interior Fish and Wildlife Service concerning the Herkimer Hydroelectric Project Restoration Plan and Schedule for the Erosion Control Plan.
- E.) A letter dated May 29, 2020 from NYS Canal Corporation Director of Environment, Health and Safety, James Candloro, concerning the draft scoping document for the proposed Barge Canal Earthen Embankment Integrity Program.
- F.) A letter dated May 31, 2020 from Gannett concerning a change in their billing cycle.
- G.) A letter dated June 1, 2020 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- H.) A letter dated June 1, 2020 from Teamsters Local 294 Field Representative, Donald Spost, concerning contract negotiations.

- I.) A letter dated June 1, 2020 from Dryden Mutual Insurance Company concerning a notice of cancellation for the police of Joshua Harmon of 4158 Acme Road, Frankfort, NY 13340 effective 6/18/2020.
- J.) An email dated June 2, 2020 from Tolga Morawski, Executive Director of the Greater Mohawk Valley Land Bank, concerning the payments for the outstanding water bills.
- K.) A letter dated June 3, 2020 from PRIME AE Senior Project Manager, Jeffrey Trzeciak, concerning the East Herkimer Sewer District Project.
- L.) An email dated June 9, 2020 from Dig Safely New York concerning fax delivery of location requests.
- M.) An email dated June 10, 2020 from Dig Safely New York concerning new ticket format changes coming soon.
- N.) A letter from The Community Foundation of Herkimer & Oneida Counties President, Alicia Dicks, thanking us for our contribution.

CARRIED AYES ALL

**07) Routing.**

**08) Resolutions.**

Motion by Councilwoman Penree, seconded by Councilman Kast to accept, place on file and approve the Standard Work Day and Reporting Resolution.

CARRIED AYES ALL

**09) Old Business.**

Water District: Highway Supt. McMannus stated Ken Ward went out with the new listener and found a leak. It was fixed today. He stated this would explain why the bills have been so high.

McKenna Road Enhancement Project: Supervisor Frank stated the legal department is working with the highway department at the County. Attorney Bray stated we are almost ready for both properties to close by the end of the month. He stated the Wereszniak cost was \$5,500 plus the recording fee and attorney fees. Councilman Stateri will reach out the Griffith's to get the final paperwork signed and have the release of the five-year home grant.

West Herkimer Water:

East Herkimer Sewer District: Supervisor Frank stated he had spoken with Village Trustee Max who had put a proposal together with their attorney Nick Macri for the Village's board to review. It was missing the \$800 hook up fee per entity, along with labor and material cost for hooking up.

Steuben Hill Road:

Solar Project on Sokol Road:

Codes: Codes Enforcer Collis stated that Councilman Carbone and himself went to the motel and spoke with the owner. He stated we gave him the Hotel/Motel Application but we haven't received anything back yet. Councilwoman Penree asked if there was a deadline for the application to be turned in by? Collis stated he will have till the end of the month. Supervisor Frank asked if there was a time frame for the other codes violations? Collis stated it will take them a while to take care of everything. Supervisor Frank stated we should check up on it to make sure there is progress on a regular basis. Councilwoman Penree asked if the highway will pick up more of the green waste there to help get it cleaned up. Highway Supt. McMannus stated he will make a point to pick up the green waste there. Councilwoman Penree asked if we had any news with law enforcement in East Herkimer? Attorney Bray stated he has spoken with the DA and he referred him to a state trooper contact that he has. He also stated he will support us in any way. He stated the Sheriff's Department is a county budget item that we could have a conversation with them about.

Councilman Stateri asked if one or two of the trailers are condemned at the trailer park on Main Road? Collis stated two have been condemned, the left back one and the second one on the right where the school bus was last year. Collis stated it is up to them to take them down.

NYMIR Risk Control Resurvey Report:

Landbank: Supervisor Frank stated there has been some discussion about the County parting ways with the Landbank. The board will need to decide if we would like to right a letter of support for the landbank. Supervisor Frank stated it is his understanding that proper notice was not given and it is supposed to be a six-month notice. The back taxes are getting resolved by the end of June. It is very disappointing that we were not advised of the divide from our legislative officials, especially when we have projects that we are working on with them. The Attorney General feels

this isn't a done deal. Councilman Stalteri stated he was reassured that they are trying to get this resolved. Councilman Kast stated we should ask the County why they want to back out of the agreement and if they have another agency lined up to do the same work with municipalities that the landbank has been doing. He stated we are not unhappy with the Landbank but would like to maintain our relationship with the County so it would be nice to hear both sides of the story. Councilwoman Penree stated we should have a letter of facts from the Landbank as well. Supervisor Frank will schedule a phone conference with our legislatures to see what's going on. Supervisor Frank also stated the Landbank has hired someone to run the grant as the quarterback position. Councilman Stalteri and himself got to interview the person before they hired him. He has a background in banking and seems highly skilled for the job.

Dog Control Local Law: Attorney Bray stated he is still working on this.

Subdivision Local Law: Attorney Bray stated he is still working on this and wants to follow up with the planning board.

Herkimer County Humane Society Agreement: Attorney Bray stated the contract we have is still in affect and that they have been cooperative with giving us everything that we have asked for. He will speak with Robert Schrader about the bill we have in question.

#### 10) New Business.

Supervisor Frank stated Highway Supt. McManus and himself had a meeting with a new liability insurance provider and we will be getting a quote from them soon. Our workers' comp policy has been renewed with Comp Alliance.

Pool: Supervisor Frank stated we were asked to have a contract with the Village regarding the pool but we had said before that we weren't going to do this. The board agreed and stated we will give them what we can out of our budget towards it each year.

Attorney Bray asked if we were going to open the fields up soon. Councilman Stalteri stated as long as someone submits a letter and follows the state guidelines with a safety plan, he doesn't see a problem with it. The board agreed. The next phase is for June 26<sup>th</sup> and we will open the park then.

#### 11) Reports.

Motion by Councilman Kast, seconded by Councilwoman Penree to accept and place on file all of the report listed below.

- Annual Financial Report for the Fiscal Year Ended 12/31/19 submitted to State Comptroller.
- SunEast Decommissioning Agreement and Plan.
- Signed Agreement for the Collection of Herkimer Central School Taxes
- Water & Sewer Meeting Minutes dated May 19, 2020.
- Cash Report for May, 2020.
- Bank Reconciliation Report for April, 2020.
- Dog Control Report for May, 2020 from DCO Erica Dunton.
- Town Clerks Report for May, 2020 from Clerk DeMetro.
- Town Justice Report for March, 2020 from Justice Petucci.
- Town Justice Report for April, 2020 from Justice Manne.
- Town Justice Reports for May, 2020 from Justice Manne and Justice Petucci.
- Trial Balance Report dated June 9, 2020.
- Revenue and Expense Report dated June 9, 2020.

CARRIED AYES ALL

#### 11) Purchase orders and Audit.

There is one purchase order at this time from Highway Supt. McManus for a quote from Suit-Kote to put a warranty on the road and seal it. He stated the CHIPS money will cover it but we will have to put the money up first.

Motion by Councilwoman Penree, seconded by Councilman Carbone to approve the purchase order.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Audit dated June 2, 2020.

CARRIED AYES ALL

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

CARRIED AYES ALL

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

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilman Kast seconded by Councilwoman Penree, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, July 6<sup>th</sup>, 2020 at 6:00PM for the Board to attend and participate electronically, including, but no limited to telephonically.

CARRIED AYES ALL

*Jennifer M. DeMetro, Herkimer Town Clerk*