

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, March 6, 2023, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Randy Kast
Councilman-----Daniel Stalteri
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis (attended by zoom)

Excused: Councilman-----Vito Carbone
Deputy Attorney-----Kyle Crandall
Town Park Supervisor-----Kathi Nasypany

03) **Pledge of Allegiance to the Flag.**
Councilman Stalteri led us in the Pledge of Allegiance to the Flag.

04) **Reading of the Minutes.**
Motion by Councilman Stalteri, seconded by Councilman Kast, to accept and place on file the minutes of the previous meeting held on February 21, 2023 as written.

CARRIED AYES ALL

05) **Public Meeting.**
Supervisor Frank stated if anyone would like to address the board to please state you name, address, and tell us why you are here.

Laurie Whitney of 525 Paradise Road in Little Falls stated she attended the last meeting and presented a resolution. She would like to know what the status of the board is on this resolution. Attorney Bray stated he still needs to further review it and will report on it at our next meeting.

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

CARRIED AYES ALL

06) **Petitions and Communications.**
Motion by Councilman Kast, seconded by Councilman Stalteri, to accept and place on file all the petitions and communications 6A through F listed below.

- A. A letter dated February 22, 2023 from Thomas and Marlene Malaglowicz with a formal complaint in regards to their neighbor’s dog.
- B. A letter of support dated February 23, 2023 from Supervisor Frank for the Salisbury Ridge Runners Snowmobile Club for grant funding.
- C. A letter dated February 23, 2023 from the State of New York Unified Court System Acting Chief Administrative Judge, Tamiko Amaker, concerning the annual internal audit. Supervisor Frank stated the Unified Court System is looking for our most recent court audit. Councilman Stalteri stated he had reached out to our Court Clerk and is waiting for her to give him dates that are good for the judges.
- D. A letter dated February 24, 2023 from Supervisor Frank to Legislator Mark Gaworecki concerning ARPA funding for a paved walking trail at the Town Park.
- E. A letter dated February 27, 2023 from the Herkimer County Department of Budget Officer and Purchasing Agent, Sheri Ferdula, concerning funding approval for the walking trail.
- F. Letters dated March 6, 2023 from Supervisor Frank to Legislator Robert Schrader and Legislator Greg Malta concerning ARPA funding for a paved walking trail at the Town Park. Supervisor Frank stated items D, E, and F have to do with requesting ARPA funding from our County Legislators. We have already submitted a voucher for fifteen thousand dollars to

Legislator Mark Gaworecki for the walking trail at the town park and we are asking
Legislator Robert Schrader and Legislator Greg Malta for some contribution as well.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Attorney Bray stated he is waiting for the comptroller to give the ok before we set the public hearing. We were in the process of explaining our (OMN) Operation and Maintenance Number for the East Herkimer Sewer District. He stated he reached out to them at the end of February and is still waiting for a response. He follow-up on this again. He stated we can't set the public hearing until they approve our calculations. Once they do so, we will have a resolution to set the public hearing.

09) Old Business.

Water District: Highway Superintendent Ken Ward stated the driver went at the Highland Ave. pump house. He stated there was some confusion of who was responsible for this cost but Supervisor Frank has approved the go ahead to order the parts. Supervisor Frank stated the parts cost roughly \$1,500 plus labor.

Supervisor Frank stated we have received some of our water bills for our water districts. Lowe's and Mckennan Road seem accurate but as you may remember our last East Herkimer bill we had contested for the water used for the fire in Little Falls by our volunteer fire department. The Village trustees had approved the reduction but today we received a bill with this billing quarter correct but it still had the incorrect amount from last time and late fees added. We were promised a corrected bill and never received it. Supervisor Frank will be writing a letter to try to get to the bottom of this.

Mckennan Road Enhancement Project: Supervisor Frank stated we are asking for an extension from the EFC for the short term financing. It is set to close at the end of this year but our project won't be done until the end of next year. It has been issue having the DOH review this project but they have promised to have it done by the end of March. The EFC said they would extend it till the end of next year and will also allow us to amend the cost for today's market cost for materials.

West Herkimer Water: Supervisor Frank stated he has nothing new to report.

East Herkimer Sewer District: Attorney Bray stated he had a conversation with the comptroller's office and asked Jeff for assistance in what they were asking for. Jeff redid his calculations and we will have to set a new public hearing or have each business involved sign off consent on the updated costs. Attorney Bray stated he tracked down the package that was sent to Mr. Lahey and called the local branch manager because what was in the package was unrelated to what we are asking for. The Bank is checking with the back office to help get the information we are looking for to get this settled. Supervisor Frank stated he has a conference call tomorrow with the USDA. We had a conversation with our consultant engineer who are concerned with the potential cost that would be involved for the depth needed for the line to go under Gros. Boulevard. They suggested the possibility of putting another pump in on Deb Wrights property and will be pricing that out to see if it will be more cost efficient. If we do decide to do the pump it will require land than was previously agreed upon so we would have to do another easement with Mrs. Wright. Attorney Bray asked if it could be located closer to the corner on the property we are trying to purchase? Highway Supt. Ward replied stating that it is too low of ground there and that they were trying to make it so they could use smaller pipe so they wouldn't have to go so deep under the creek and then would be able to go over the culvert pipes. Supervisor Frank stated he had a conversation with the USDA relative to the finances although we haven't received the final approval, the current interest rates are considerably less than when we originally talked to user. This could be a bid different in cost owed to users. Supervisor Frank stated he received an email from both Congresswoman Stefanick and Senator Schumer that there is congressional money available for infrastructure. Both highly recommended that we apply so under reports you will see that I filed the grant application requests for both Gillibrand and Schumer. He will finish the application for Stefanik this week. We have an over 2.5-million-dollar project for East Herkimer. We currently have roughly a million dollar and need a million in a half to not have any borrowing involved. Additionally, we have asked for an extension for the Environment Facility Corp for the \$440k and have asked Assembly Smullen to assist with this request. We have also asked for an

extension for the Northern Borders Regional Commission Funding because that is up at the end of the year as well.

East German Street Extension: Councilman Stalteri stated he has reached out in regards to receiving a report from the surveyor. Supervisor Frank stated he has received nothing from CT Male as well.

Codes: Codes Enforcer Collis stated he has nothing to report.

Landbank: Supervisor Frank stated we received an email from the Landbank in regards to the remaining money from the Zombie Grant. Were in possession of roughly \$18k. Supervisor Frank stated we have about \$10k in a revolving fund for municipalities to use to knock down a property and then sell and they would be required to return that money to us. Roughly \$2-3K for attorney fees associated with this and \$4-5K to be used for codes enforcement of town zombie properties. He responded to the Landbank with this information and told them we have designs of this money for Zoller Ave. The executive director came back with an idea of moneys they have that could be used towards this instead. Supervisor Frank will get in touch with him to further discuss these details.

Piper Road: Supervisor Frank stated waiting for the preliminary report when they are done with their analysis of what was done so far.

NYMIR Risk Control Resurvey Report: Tabled.

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Tabled.

Cell Towers' and Town Zoning Ordinance: Tabled.

Updating Zoning Ordinance: Tabled.

ARPA Funding: Supervisor Frank stated we resolved at our last meeting to spending funds at our town park to get the exercise trail put in.

Town Park: Supervisor Frank stated he hasn't heard anything from Town Park Supervisor Kathi Nasypany.

Fireworks: Supervisor Frank stated we had a meeting with ICAN this morning to further discuss how to proceed with the fireworks. ICAN is interested in partnering with us to make this event a great success. Clerk DeMetro stated they bring a lot to the table in terms of marketing. One of the concerns of our sponsors last year was that they didn't get the proper advertising for their contribution and ICAN provide that. Councilman Stalteri asked if this will still be our event?

Supervisor Frank replied stating this will still be call the Town of Herkimer fireworks celebration with a partnership with ICAN. Councilman Stalteri asked if we are doing anything for the passing of Kathy Penree, since she was the driving force to getting this going and making it such a success. Supervisor Frank stated we are dedicating the fireworks in her memory. Councilman Stalteri suggested making it a permanent dedication.

EPA Testing East Herkimer Water District: Highway Supt. Ward stated he hasn't heard anything yet.

Negotiations with Teamsters: Councilman Stalteri stated we are not in receipt of any documents from the union but we have asked for a formal request in regards to the health insurance.

160 Pine Grove Road: Supervisor Frank stated we have received the Phase II report. He stated it sounds like we are in good shape with the DEC and now we are trying to figure out how to get this issue closed. We have reached out to John Piseck on how to do so and he is looking into it for us. Attorney Bray stated he forwarded the report to the sellers' attorney and we are hoping to close next week. Supervisor Frank stated he needs to get funds ready for a BAN.

Exercise Trail at Town Park: Supervisor Frank stated we have previously discussed this.

10) New Business.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Phase II Report of 160 Pine Grove Road.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Gillibrand Congressionally Directed Spending Request Form.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Schumer Congressionally Directed Spending Request Form.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Fully Executed Permanent Easement for the Pump Station.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Deed for the Wereszczak Property.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Deed for the Griffith Property.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and authorize Supervisor Frank to sign the Municipal Water Supply Contract for Water District #3 signed by Mayor Sherry.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Bank Reconciliation Report for January, 2023 from Budget Officer Marcia Baylor.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Emergency Orders dated 2/26 and 3/3 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Renewal of State of Emergency Declaration dated 3/6/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Town Clerks Report for February, 2023 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated March 6, 2023.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated March 6, 2023.

CARRIED AYES ALL

Supervisor Frank stated he will be out of town from the 9th through the 16th of this month.

11) Purchase orders and Audit.
There were no purchase orders for this meeting.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Audit dated February 21, 2023 for the end of year bills for 2022.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Kast, seconded by Councilman Stalteri, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular meeting to be held on Monday, March 20th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk.