

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, May 1, 2023, at 1:00PM telephonically and virtually.

02) Roll Call of Officers

Present:

Supervisor-----	Dominic Frank
Councilman-----	Randy Kast
Councilman-----	Vito Carbone
Highway Supt.-----	Ken Ward
Attorney-----	Christopher Bray
Codes Enforcer-----	Ken Collis

Excused:

Councilman-----	Daniel Stateri
Deputy Attorney-----	Kyle Crandall
Town Park Supervisor-----	Kathi Nasypany

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 Councilman Kast, to accept and place on file the minutes of the previous meeting held on April 19, 2023 as written.

CARRIED AYES ALL

05) Public Hearing.

Supervisor Frank stated we will table this public hearing on the Establishment of the East Herkimer Sewer District. Supervisor Frank asked is anyone from the public would like speak relative to this public hearing.
No one from the public wished to speak.

Motion by Councilman Carbone, seconded by Councilman Kast to close the public hearing on the Establishment of the East Herkimer Sewer District.

CARRIED AYES ALL

Supervisor Frank stated we will table this public hearing on Local Law No. 1 of 2023 to extend term lengths. Supervisor Frank stated this is to extend the terms for the Town Supervisor, Town Highway Superintendent, and Town Clerk from two years to four years to make all the offices consistent and to provide stability to the governing body.
No one from the public wished to speak.

Motion by Councilman Carbone, seconded by Councilman Kast to close the public hearing on Local Law No. 1 of 2023.

CARRIED AYES ALL

06) 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.
Bill Penree of East German Street Extension stated he is here in regards to his neighbor Sally Durkee whose fence has fallen down. It has been a constant issue that has been going on for over twenty years. Part of the fence that has fallen down, she has moved and put on the Town's property. The fence should be moved back to where it should be and out of the right of way for people to work. He stated he is working with Codes Enforcer Collis to hopefully get this resolved. Highway Superintendent Ward stated he is aware of the situation as well and planned on addressing it when we put up the permanent fencing. Collis also stated he went to speak with Ms. Durkee but she didn't answer the door. He will try again this week.
Mr. Penree also asked for an update on the road? Supervisor Frank stated the good news is that there is nothing moving but the bad news is the grant writer we thought we were going to have didn't work out. He stated we are meeting with a new one on the 10th of this month. He also stated

he has a meeting on Thursday with a member from Congresswoman Stefanics office to talk about this issues as well as other issues in the Town of Herkimer. After they meet and talk, he will also be taking him to the site for a walkthrough. Mr. Penree expressed how he will not be able to live there with its current situation through another winter and how he would rather have his house bought out. The board understands and asked Mr. Penree to write a letter saying such. Supervisor Frank stated we are looking to our state and federal representatives to help with fund sources as there is none available for this at this time.

Dale Wagner, Manager of Herkimer Distribution stated he is here because he noticed their parcel number was not shown in the public notice for the East Herkimer Sewer District. He stated everything else is good and asked for a schedule timeline of construction. Attorney Bray reviewed the notice and map and stated they are included in the district and it is described in the legal description that was published. He also showed him the map to verify as well. Supervisor Frank stated as far as a schedule he will email it to him and stated it is expected to be finished by January of 2025. The total construction will be funded through grants and low interest loans. The loan will be paid by those who benefit from it overtime. Each year the debt service will be places on the taxes. He stated we are applying to the USDA for a significantly low interest loan that would be paid over 38 years. Senator Gillibrand has recommended this project for further review for funding as well. We are asking for \$1.5 million and hopeful for a successful outcome. The cost has gone up for the project for the estimates are originally from three years ago. We will have to send it out for a competitive bid. Mr. Wagner asked if the amount that will be on the tax bill will be in addition to the quarterly fee. Supervisor Frank replied stating yes, the amount on the tax bill will be for the

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

CARRIED AYES ALL

07) Petitions and Communications.

Motion by Councilman Carbone, seconded by Councilman Stalteri, to accept and place on file all the petitions and communications 7A through G listed below.

- A. A letter dated April 6, 2023 from Herkimer County Budget Officer and Purchasing Agent, Sheri Ferdula concerning the requirements for the ARPA funding.
- B. Letters dated April 20, 2023 from Supervisor Frank to Valley Health Services, ELG Utica Alloys, BOCES, Herkimer Distribution, Tioga Construction, and Church of Jesus Christ and Latter Day Saints concerning a public hearing regarding the East Herkimer Sewer District. Supervisor Frank stated this is the letter we sent to those involved with the EHSD letting them know of the public hearing.
- C. An email dated April 17, 2023 from Jonathan Carman of Congresswoman Stefanik's office concerning our Community Project Funding Request.
- D. A letter dated April 24, 2023 from Supervisor Frank to NYS Environmental Facilities Corporation Finance Coordination and Credit Analyst, Katie Syron, concerning the Supplemental Certificate of Determination.
- E. Letters dated April 26, 2023 from Supervisor Frank to Valley Health Services, ELG Utica Alloys, BOCES, Herkimer Distribution, Tioga Construction, and Church of Jesus Christ and Latter Day Saints concerning our USDA application for a loan. Supervisor Frank stated this letter is to those involved with the EHSD asking them to send letters of support to you USDA.
- F. A letter dated April 28, 2023 from Charter Director or Government Affairs, Alice Kim, concerning channel lineup.
- G. An email dated April 28, 2023 from Susan Merrell from Senator Gillibrand's office concerning the Congressionally Directed Spending Applications.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

Motion by Councilman Stalteri, seconded Councilman Kast to table the Budget Amendment.

TABLED

Motion by Councilman Carbone, seconded Councilman Kast to accept, place on file and approve Resolution No. 18 of 2023 to extend term lengths. Attorney Bray stated the language needs to be sent to the Herkimer County Board of Elections. Clerk DeMetro will do so.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded Councilman Kast to accept, place on file and approve the Resolution No. 19 of 2023 for the Establishment of the East Herkimer Sewer District.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded Councilman Kast to accept, place on file and approve the Resolution No. 20 of 2023 to set a public hearing to establish new water and sewer rates. Supervisor Frank stated we've been informed that the Village is going to be raising their rates for water and sewer effective June 1st and we buy our water from them so to keep our accounts even we will need to raise our rates as well. The public hearing will be for our next regular meeting scheduled for May 15th.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept, place on file and approve Resolution No. 21 of 2023 for the NYS and Local Retirement System Standard Work Day and Reporting.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Supt. Ward stated we read meters today and Water Clerk Rivers will review the readings. Supervisor Frank stated he would like to have our water committee meet before our next regular meeting. They agreed to meet on Monday, May 8th at 3:30PM.

Mckennan Road Enhancement Project: Supervisor Frank stated we are waiting on the DOH review. We have already received it from the state but are waiting for the local. We have also filed paperwork with the funding source for an extension.

West Herkimer Water: Table.

East Herkimer Sewer District: Attorney Bray stated in regards to the Lahey property everything was sent to Berkshire Bank last week. He received documentation today that they have ordered the appraisal of the home so the process is moving.

East German Street Extension: Supervisor Frank stated this has been previously discussed.

Codes: Codes Enforcer Collis stated he met last week with representatives from AMP Energy in regards to putting a solar array on Edgar Street in East Herkimer. They are proposing a 4.99 megawatt system. Once an application is filed he will give it to the planning board for review. Supervisor Frank asked where we are with the issue on Highland Ave? Collis replied stating that Mr. Dolly has started cleaning up the property and got rid of the tenants but hasn't applied for any of the required permits. Today was his final day to do so, so Collis will follow-up with the resident tomorrow. Supervisor Frank stated there has also been several complaints about 936 Steuben Hill Road. Collis replied stating that he is aware and will be writing a letter to the owner about getting the property cleaned up. He also has a letter for the bar in East Herkimer in regards to our noise ordinance.

Landbank: Supervisor Frank stated he has nothing new to report.

Zoller Ave: Supervisor Frank stated he has nothing new to report. Attorney Bray stated he needs to follow-up with the owner.

Piper Road: Supervisor Frank stated we are waiting on a report from our consultant engineer. NVMIR Risk Control Resurvey Report: Supervisor Frank stated he has nothing new to report.

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Supervisor Frank stated he has nothing new to report.

Cell Towers' and Town Zoning Ordinance: Tabled.

Updating Zoning Ordinance: Tabled.

ARPA Funding: Supervisor Frank stated he has nothing new to report other than we did commit some funds to the walking trail. We have sought a second proposal for the landscape but have not received it yet.

Fireworks: Clerk DeMetro stated we have nothing new to report.
EPA Testing East Herkimer Water District: Supervisor Frank stated he reached out but have not received the testing kits yet.

Negotiations with Teamsters: Highway Supt. Ward stated we are just waiting on the insurance rate for 2026. We were told we would have them by June.

160 Pine Grove Road: Highway Sup. Ward stated he spoke to our IT guy and we need to drill holes so the wiring will go inside the building. Supervisor Frank stated the fire alarm will also be installed soon.

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

Herkimer County Mitigation Plan: Supervisor Frank stated he met with Herkimer County's consultants and each municipality will be assigned a consultant to work with us on strategies for the mitigation for our town. This work is to be done by the end of May.

10) New Business.

Supervisor Frank stated he will be meeting with a grant writing firm to see what they have to offer.
11) Reports.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Annual Financial Report submitted 4/30/23. Supervisor Frank stated we are required to submit this to State Comptroller and it was submitted on time.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the NYVMIR Statement of Values dated 4/20/23.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Moore Land Surveying P. C. Plate Data Survey for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Sales Tax Report. Councilman Kast stated it looks good.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Northern Border Regional Commission Contract Amendment Request Form. Supervisor Frank stated we are asking for an extension of funding.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the ARPA Annual Report submitted 4/24/2023. Supervisor Frank stated this was submitted on time.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Emergency Orders dated 4/22 and 4/27 for East German Street Extension.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated April 30, 2023.
CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated April 30, 2023.
CARRIED AYES ALL

11) Purchase orders and Audit.
There are no purchase orders for this meetings.
Highway Supt. Ward stated he has 284 agreements for the maintenance of roads. The board approved two out of the three proposed Agreements to Spend Town Highway Funds. The board agreed to wait until the State budget is passed before they approve the third agreement to make sure what is in the budget for CHIPS funding.

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the 284 Agreements for Suit-Kote to single surface treatment on Eatonville, Broat, Nasypany, Kucerek, Smith, Hart, Fiddletown, Kast Hill roads and Kast Bridge Street for \$92,819.71 and the second one is for Suit-Kote to micro paving on East, Pallisades, West, Edgar, Grace, Clayton, Carney, Downey, and Kast Bridge Streets for \$72,909.00.
CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Audit dated May 1, 2023.
CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to go into executive session to discuss negotiations.
CARRIES AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to close executive session with no decisions made.
CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to add language to Resolution No. 23 of 2023 regarding setting a public hearing for water and sewer rates, and add that same language to the public notice, to include that the proposed water rate schedule will be available for review at the office of the Town Clerk. Supervisor Frank indicated that he would ask Clerk DeMetro to place the notice on the Town's web site as usual and see if the proposed rate schedule could be accommodated on the web site as well.

CARRIED AYES ALL
12) Adjourn.
Motion by Councilman Kast, seconded by Councilman Carbone, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular meeting to be held on Monday, May 15th, 2023 at 6:00PM.
CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk