

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, June 5, 2023, at 6:00PM at the Town Hall located at 114 N. Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Randy Kast
Councilman-----Vito Carbone
Councilman----- Daniel Stalteri
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis
Town Park Supervisor-----Kathi Nasypany

Excused: Deputy Attorney-----Kyle Crandall

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 Carbone, seconded by Councilman Stalteri, to accept and place on file the minutes of the previous meeting held on May 15, 2023 as written.

CARRIED AYES ALL

05) Public Hearing.
Supervisor Frank stated we will table this public hearing on the proposed increase of water/sewer rates in the Town of Herkimer. He stated if anyone from the public would like to speak relative to the proposed increase of water/sewer rates, to please state their name, address and let us know your thoughts.
Supervisor Frank stated as you remember at the last meeting that the board approved all of the proposed rates except the minimum rates that they be raised as well. When the water committee met they had recommended that the minimum rate be raised the same percentage as the others are to keep everything consistent. Supervisor Frank asked Clerk DeMetro if anyone from the public was in or asked to see the new proposed rates. Clerk DeMetro replied stating that no one had called or been in asking to review them.

Motion by Councilman Kast, seconded by Councilman Stalteri to close the public hearing on the proposed increase of water/sewer minimum rates.

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.
David Dardzinski of 4Site Consulting stated he is here on behalf of being employed by the Greater Mohawk Valley Landbank. He stated two of the homes are completed and paid for. Four houses ordered with deposits put down. They will be put into productions next week and will take 14-16 weeks to build. The contractors have extended their bids till June 30th. He stated they have submitted the paperwork to HCR for the fourth time now. He also stated we will be looking for three new residents. There was one resident who passed away and since then her daughter moved in but has not paid rent, nor has she produced any proof of ownership of the trailer. He also stated despite the rumors, Tolga Morawski is still the Executive Director of the Great Mohawk Valley Landbank.

Kathi Nasypany stated someone popped all the basketballs at the Town Park. She wasn't able to see anything on the cameras so there is no proof of who did it. She has more in the storage the she will blow-up and hope for the best. She stated the farmer's market went well for its first week. It was slow passed but had regular paced. Everyone did well and seemed pleased with the turnout.

There will be two more vendors coming this week and an additional two more the following week. Everyone is expecting it to pick-up up more in a couple of weeks when the produce grows in. Supervisor Frank stated that he spoke to almost all of the vendors and all seemed optimistic. Supervisor Frank asked the status of the summer youth program? Kathi replied stating she hasn't heard back from the county but will follow-up with them.

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

CARRIED AYES ALL

07) Petitions and Communications.

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

- A. A letter dated May 10, 2023 from Keller Partners & Company Managing Principal, Thomas Keller, concerning a funding success planning guide.
- B. A letter dated May 10, 2023 from Town of Huntington Councilman Eugene Cook, concerning Voter's Identification Resolution.
- C. A letter May 16, 2023 from Charter Communications Senior Director of Revenue Accounting, Steve Lottmann, concerning a quarterly franchise fee payment.
- D. A letter dated May 18, 2023 from Supervisor Frank to Donald Buckley congratulating him on being hired as an LEO for the Town of Herkimer Highway Department.
- E. Letters dated March 24, 2023 from Comp Alliance Executive Director, Michael Kenneally, concerning the Comp Alliance Safe Workplace Award for the Town of Herkimer and the East Herkimer VFD.
- F. A letter dated May 25, 2023 from Supervisor Frank to Northern Border Regional Commission Program Director, Ms. Andrea Smith, concerning funding to extend 1,300 linear feet of sanity sewer lines to Valley Health Services.
Supervisor Frank stated this is our letter of support of the Northern Border Grant Application for Valley Health Services.
- G. A letter dated May 26, 2023 from the Northern Border Regional Commission Program Director, Andrea Smith, concerning the grant agreement revision extended to September 30, 2025.
Supervisor Frank stated this is the letter from the Northern Borders approving the extension of our funding through September, 2025.
- H. A letter dated May 30, 2023 from Charter Communications Director of Government Affairs, Alice Kim, concerning changes in programming.
- I. A letter dated May 31, 2023 from NYMIR concerning the install of Master Battery Disconnect switches to all medium and heavy-duty vehicles and equip, ent.
- J. A notice of policy conditional renewal for the Town of Herkimer through NBT Insurance Agency, LLC dated May 31, 2023.
- K. A letter dated June 1, 2023 from Supervisor Frank to NYS Environmental Facilities Corporation Finance Coordination & Credit Analyst, Ms. Katie Syron, concerning the Supplemental Certificate of Determination.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the routed Critical Facility as part of National Grid's Emergency Response Plan.

CARRIED AYES ALL

08) Resolutions.

Motion by Councilman Stalteri, seconded Councilman Carbone to accept, place on file and approve the Budget Amendment for \$11,000.00 from A1990.400 to A1420.400. Supervisor Frank stated this amendment is cover the cost of bond council.

CARRIED AYES ALL

Motion by Councilman Kast, seconded Councilman Stalteri to accept, place on file and approve the Resolution No. 24 of 2023 to establish the new water/sewer rates for the Town of Herkimer.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve Resolution No. 25 of 2023 for the establishment of the East Herkimer Sewer District.

CARRIED AYES ALL

Supervisor Frank stated we will need to table Resolution No. 26 of 2023 to hold a Public Hearing for the CDBG Grant. Supervisor Frank stated we need to table this because we didn't get the needed on what was this in regards to.

TABLED

09) Old Business.

Water District: Highway Supt. Ward stated fixed a small leak on Steuben Hill Road. He stated we also fixed the property where we had the break last year.

Mckennan Road Enhancement Project: Supervisor Frank stated we are waiting for the DOH. The local won't answer until the questions from the state are answered in regards to extended funding.

West Herkimer Water: nothing new to report.

East Herkimer Sewer District: Attorney Bray stated the comptroller wants to see the new sewer rates, a copy of the resolution and proof of the permissive referendum. He also stated in regards to the Lahey property the second appraisal took place and will be reviewed today or tomorrow and then we will have our answer. He assumes it come back s enough value to be able to the portion of property we're looking to obtain.

East German Street Extension: Attorney Bray stated he reached out to the power authority in regards to setting up a meeting to start the conversation for some of our concerns of the West Canada Creek. He heard back from them today and referred us to the Canal Corp. Bray was able to touch base with the contact from Canal Corp and is just waiting for an email of potential dates. Supervisor Frank stated when we have a set date he will make our Senator aware of such meeting as well.

Codes: Codes Enforcer Collis stated he has had four permits go out in May. He stated the EHFDF Chief, our Health Officer, DCO, the Sheriff and himself will be going as a group to inspect 936 Steuben Hill Road. Councilman Stalteri also recommended that someone from Nation Grid be invited as well. Collis agreed and will reach out to them. He stated he believes there is six people and three pitballs. The water and taxes have not been paid and will go to the County for auction at the end of the year. Supervisor Frank stated the town will be on the hook for the water bills and our water clerk wants to turn off the water. Councilman Stalteri stated if there is no living owner therefore he agrees the water should be shut off. Attorney Bray stated we should handle this per usual. He stated he will further discuss this in executive session. Collis stated there has been no further complaints for the property on Zoller Ave.

Landbank: Supervisor Frank stated we already received their report during the public meeting but he would like to note that they have still not paid their water bill.

Zoller Ave: Attorney Bray stated he spoke to Jim Hutton who is one of the individuals who previously owned the property and he has agreed to sign off. He stated the documents have been drafted for the other vacant home on Zoller Ave. and will be sent to Florida. All involved have given verbal confirmation and he just needs the signatures to proceed.

Piper Road: Supervisor Frank stated we received the report from CT Male relative to the conditions of Piper Road. He stated he is told the hill is solid but visually needs to be repaired, Piper Road has two areas that they are recommending sheet piling, the north retaining wall is good but the southern retaining wall on Main Road needs repairs. Supervisor Frank stated we have asked for the proposed cost to do it all. He is trying to do it all under the grant to use the rest of the money for preliminary engineering. He is going to try to submit a second report.

NYMIR Risk Control Resurvey Report: Supervisor Frank stated he has nothing new to report and that this can be taken off the agenda.

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 in the mix of the debt ceiling negotiations he had heard that the money that has not been spent would be taken back. He has contacted Congresswoman Stefanik's office and they were pretty confident that municipalities would not have to pay this back. They have since confirmed this to be true.

Fireworks: Clerk DelMetro stated we have a meeting scheduled for tomorrow and that we are waiting for more donations to come in.

EPA Testing East Herkimer Water District: Highway Supt. Ward stated he has nothing new to report.

Negotiations with Teamsters: Councilman Stalteri stated he has received an email from our Deputy Town Attorney Crandall about getting a response for the insurance balance for 2026. He will follow-up with us on this.

160 Pine Grove Road: Supervisor Frank stated the cameras were installed and are recording.

Exercise Trail at Town Park: Supervisor Frank stated Councilman Stalteri and himself met via Zoom with our consultants and they are working on putting the specs together for us.

Herkimer County Mitigation Plan: Supervisor Frank stated we have submitted all of our plan that we have accumulated over the years.

10) New Business.

Edwin J. Wadas Application to fund the National Fitness Campaign Fitness Court: Supervisor Frank stated he drafted the application and asked the board to review it. He stated we are requesting \$162K for the Fitness Court.

Motion by Councilman Stalteri, seconded by Councilman Kast to allow Supervisor Frank to submit the Edwin J. Wadas Application for the Fitness Court.

CARRIED AYES ALL

Forgiveness of Water Bills due to leaks: Robert Franklin who is a water customer made an appeal for a \$2,500 water bill that was due to a leak. Supervisor Frank stated we will reach out to the Village to see if there will be any forgiveness on this.

Shutting Water Off when all owners have passed away: Attorney Bray stated he will further look into this for us.

11) Reports.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the 2023 National Fitness Campaign Grant Recipient.

Supervisor Frank stated we were awarded \$40k.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Executed Inter-Municipal Agreement Water Services Agreement with the Village of Herkimer for testing on McKennan/Steuben Hill Roads.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Barton&Loguidice proposal for the Herkimer Town Park.

Supervisor Frank stated this is the executed agreement for specs and bidding got the trail at the Town Park.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Bank Reconciliation Report for March, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file the Cash Reports for both March and April.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file the Comp Alliance Workers' Compensation Funding Contribution for the Town of Herkimer. Supervisor Frank stated these are bills for our workers' compensation that is an agreement to a two year for us to lock in the price.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file the Comp Alliance Workers' Compensation Funding Contribution for the East Herkimer VFD.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Renewal State of Emergency Declaration dated 6/1/23 for East German St. Ext.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Orders dated 5/17, 5/22, 5/27 and 6/1 for East German Street Extension.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Town Justices Reports for May, 2023 from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the DCO Report for May, 2023 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept, place on file and approve the proposal from J. Piper Consulting at a rate of \$75 per hour, not to exceed \$5,000.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file both of the Court Audits dated June 1, 2023. Councilman Stalteri stated they keep excellent records. The only different part about the report was that the T-sled system has been down for months so that is left out of the reports this time and is noted on them.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated June 4, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated June 4, 2023.

CARRIED AYES ALL

11) Purchase orders and Audit.

There are no purchase orders for this meetings.

Motion by Councilman Kast, seconded by Councilman Stateri to accept and place on file the Audit dated June 5, 2023. Councilman Stateri excused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Stateri, seconded by Councilman Kast to go into executive session to discuss negotiations.

CARRIES AYES ALL

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

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Carbone, seconded by Councilman Stateri, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular meeting to be held on Tuesday, June 20th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk