

01) OSupervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, August 21, 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-----Daniel Stalteri
Councilman-----Randy Kast
Councilman-----Vito Carbone
Councilwoman-----Kathleen DeCarlo
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 Carbone led us in the Pledge of Allegiance to the Flag.

04) Reading of the Minutes.
Motion by Councilman Carbone, seconded by Councilwoman DeCarlo, to accept and place on file the minutes of the previous meeting held on August 7, 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.
No one from the public was present.

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

CARRIED AYES ALL

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

- A. An emailed dated July 5, 2023 from NYS Office of the State Comptroller Justice Court Fund to Justice Michael Petucci concerning the submission of his 06/2023 monthly report.
- B. A letter dated August 10, 2023 from Herkimer County Personnel Officer, Steven Billings, concerning the 2024 Workers' Comp Budget Figures.
- C. A letter dated August 10, 2023 from Supervisor Frank to the New York Rural Development Lead Area Specialist, Sarah Skutt, concerning the acceptance of the funding offer of the USDA Rural Development Water and Environmental Program.
Supervisor Frank stated this is done as a formality as we accepted the funding terms at out last meeting.
- D. A letter dated August 16, 2023 NYS Homeland Security and Emergency Services concerning the reimbursement request for the West Canada Creek Landslide Prevention Scoping Project.
- E. A letter dated August 18, 2023 from Supervisor Frank to Highway Employee, Donald Buckley, concerning medical leave.
- F. An email dated August 21, 2023 from Herkimer Central School District Athletic Director, Christi Paragi, seeking approval for the use of the Town of Herkimer's tennis courts.
Supervisor Frank stated we received this email today from the school seeking approval for use of our tennis courts in the fall. They provided us with proof of insurance and the schedule for their matches but not the schedule for practices. Town Park Supervisor

Nasypany will contact them about the practice schedule. Once we know of such we will laminate and post the schedule at the courts.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve the school the use of the tennis courts and to allow Town Park Supervisor Nasypany to work with the school on this.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file PRIME revised Joint Application for permit of the East Herkimer Sewer District Project and the Community Foundation Publication for Summer 2023.

Supervisor Frank stated the joint application is for the Town and resident Deb Wright jointly asking to cross the Beaver Creek. This permit goes to the DEC and Army Corp of Engineers. Once this is approved then we can do the final engineer plans and then can go out to bid.

CARRIED AYES ALL

08) Resolutions.

09) Old Business.

Water District: Highway Supt. Ward stated he did some data logging today for bills that were high from our recent water reading. He also stated there was a fire on Mckennan Road today that water was taken from a Village hydrant for.

Water Billing Software: Highway Supt. Ward stated he called Jason from Ti Sales to ask the questions the board had. He found that they have no idea what the cost will be after the three years and that we will be required to pay annually. If we choose to go with this there will be a \$700 setup training fee for the first year. Councilman Stalteri stated he thinks this is something we have to do. Councilman Kast stated there are roughly four hundred water customers and the cost would be about \$33 a year per customer, which seems reasonable.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve the purchase of the new water billing software.

CARRIED AYES ALL

Mckennan Road Enhancement Project: Supervisor Frank stated we are still waiting on the local Department of Health to review the plans. Supervisor Frank stated he will call to follow-up on this.

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

East Herkimer Sewer District: Attorney Bray stated he spoke to the State Comptroller office today and was told that everything looks good. They stated everything is in and we will probably have approval in early September. He also stated we got the maps from the Lahey and need to file them with the County. Supervisor Frank stated under reports you will see that we have the Notice to Proceed from the Northern Border Commission. Our funding is good with them till the end of 2025 and our funding with the State is good till the end of 2024. He stated once we go out to bid we will have a better understanding on how to get the State funding.

East German Street Extension: Attorney Bray stated he spoke with the owners and gave them the appraisals that seemed like reasonable prices. We will work with the residents to arrange inspections.

Codes: Codes Enforcer Collis stated we lost a house on Mckennan Road due to a fire. He stated he will go put signs up at the home on Steuben Hill Road. He spoke to the neighbors and they haven't seen the traffic in and out of there anymore. He also has sent out notices of violations to a few homes as well.

Landbank: Councilman Stalteri stated he believes four of the homes are built and that he was told they are waiting for fund to be released to be able to start the site work.

Zoller Ave: Attorney Bray stated he met with the current owner Frank Torres an executed the deed and all the paperwork to give the town ownership of the property. To get a clear title he stated he needs to have signatures from the two previous owners as well. He has emailed the documents to Mr. Hutton and needs to send them to his wife in Florida. Once all of the signatures are obtained we can obtain ownership. Councilman Kast asked if it was possible to take this property by eminent domain? Attorney Bray stated he is unsure but will look into this for us.

Piper Road: Supervisor Frank stated if you recall we want to do a Phase 2 Study. Phase 1 was done on how to fix it and Phase 2 is on what the cost will be to fix it. He stated we have a contract with the funding source for \$90k and spent roughly \$54k on Phase 1. We needed the funding source to indicate if we could use the rest of the budgeted money to conduct Phase 2 and they said yes but anything over is our responsibility. He stated he spoke to CT Male and they may be over the amount left by roughly \$700. He stated we are waiting for the contract for this.

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Supervisor Frank stated you may recall that this project recently took new ownership. We have approved and executed the reimbursement agreement. It is the same agreement as we the previous owners where the developer pays our expenses for our consultant attorney. This is located document is under reports. He stated also under reports is the decommissioning agreement but the new company's name is not on it so we have asked our consultant attorney to look into this for us.

ARPA Funding (Exercise Trail): Councilman Stateri presented the proposed map of the project to the board. He stated we are working the parking with the project of the consultant for 160 Pine Grove Road. There will be trees put in the southern end of the property for residents to have privacy. He stated there will be solar lamp post around the trail. This plan is about 90% complete and we would like to get it finalized so we can go out for bid. Councilman Stateri stated he would recommend lights be added for the use of the tennis and basketball courts. Councilman Kast stated he thinks this will be beneficial because it will start getting dark soon and the courts are being used. Councilman Carbone stated we would just need to make sure the lights do not reflect towards the resident's homes. Councilman Stateri stated we will make sure the lights are directed at the courts.

Cell Towers' and Town Zoning Ordinance: Tabled.

Updating Zoning Ordinance: Tabled.

Updating Zoning Map: Supervisor Frank stated Councilman Kast and Codes Enforcer Collis met with Clerk DeMetro to review the map and make adjustments accordingly. Supervisor Frank will send our updates to them and will ask for a final draft after the corrects are made.

Fireworks: Supervisor Frank stated this years' event had a balance left over of roughly \$4,400. ICAN has asked that we split this cost. Supervisor Frank stated they said they'd fund it. Councilman Kast stated its cheaper than last year. Supervisor Frank will reach out to ICAN to further discuss this.

EPA Testing East Herkimer Water District: Highway Supt. Ward will take care of it.

Negotiations with Teamsters: Councilman Stateri stated we got the figures on the health insurance and we will get together for a workshop meeting with Deputy Supervisor Crandall to review.

160 Pine Grove Road: Supervisor Frank stated we have recently had our building broken into. This has been reported to law enforcement. The troopers have begun their investigation. We have found our all the names and the troopers are in the process of contacting them. They have also indicated that they need estimates of the damage. He stated he has been in touch with our insurance broker and claims has been notified. There is some debate on how they got in and one thought was possibly entered by the air conditioners, so we will be taking them out and securing the building. Highway Supt. Ward stated Spectrum was there today and it is all set. Supervisor Frank stated he will notify Brian our IT guy so he can do what he has to do and also he needs to put the rest of the cameras in.

Herkimer County Mitigation Plan: Supervisor Frank stated he hasn't heard anything from them so he reached out and they had been emailing to the wrong address. Now that we were able to connect, Supervisor Frank answered all of the questions they had.

Phones through AT&T: Supervisor Frank stated we are working on new dates to meet.

Signs entering the Town: The board discussed how three would be needed and will shop around for prices.

Farmers Market: Town Park Supervisor Nasypany stated we are holding five vendors and all seem to be pleased. Next year we will charge a \$30 fee for the season to be a vendor. She stated she doesn't think a billboard or radio ad will be necessary again because most people use social media now a day. Supervisor Frank stated they had discussed adding four more sandwich boards to help direct people to the location easier. Nasypany will get a quote for them.

10) **New Business.**

2024 Budget Schedule: Supervisor Frank stated Budget Officer Marcia Baylor sent out budget emails to all department heads and have asked that they get returned by 9/4/23 to Supervisor Frank and herself. Once Budget Officer Baylor receives them all back she will put together the requests and we will meet with the department heads.

Fall Trash Days: Highway Supt. Ward stated he would recommend that we have our fall trash days on October 12, 13 and 14. Clerk DeMetro will set up the shred truck to be there on the 14th from 9-noon. The board agreed.

Radar Signs: Supervisor Frank asked if we could ticket people by using our radar signs? There have been complaints of speeding on Pine Grove Road and we should look into if anything has changed for being able to ticket people this way.

Highway Supt. Ward stated we should think about getting signs to help guide tractor trailers to use Gros Blvd. He stated the State would not allow us to put a sign up at the end of the bridge.

Supervisor Frank stated he will speak to Assemblyman Smullen to see if he can help.

Grievance: Supervisor Frank stated we will have a meeting soon with Deputy Attorney Crandall to discuss the grievances filed.

Auction: Highway Supt. Ward stated he would like to put the 1998 loader on auctions international. The board agreed.

Motion by Councilman Kast, seconded by Councilman Carbone to allow Highway Supt. Ward to put the 1998 loader on auctions international pending board approval of the highest bid.

CARRIED AYES ALL

11) **Reports.**

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve the Signed Spectrum Enterprise Service Agreement for 160 Pine Grove Road.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to table the Signed Decommissioning Agreement for the Shells Bush Road Solar Project dated 8/14/23. Supervisor Frank stated the current owners name should be updated in the document therefore we would ask that we table this for now.

TABLED

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to accept and place on file the Signed Reimbursement Agreement for the Shells Bush Road Solar Project dated 8/8/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Northern Border Regional Commission Notice to Proceed dated 8/11/23.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the East Herkimer Sewer District Joint Application for Permit Report dated 8/11/23.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Emergency Orders 8/10, 8/15, and 8/20 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman DeCarlo to accept and place on file the Town Justice Report for June, 2023 from Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town Justice Reports for July, 2023 from Justice Petucci.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated August 18, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to accept and place on file the Revenue and Expense Report dated August 18, 2023.

CARRIED AYES ALL

11) Purchase orders and Audit.

There were no purchase orders submitted for this meeting.

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Audit dated August 21, 2023.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman DeCarlo, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular meeting to be held on Tuesday, September 5th, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk