

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday June 6<sup>th</sup>, 2022, at 6:00PM telephonically and virtually.

**02) Roll Call of Officers**

Present: Supervisor-----Dominic Frank  
Councilman-----Daniel Stalteri  
Councilwoman-----Kathy Penree  
Highway Supt.-----Ken Ward (via Zoom)  
Attorney-----Christopher Bray  
Codes Enforcer-----Ken Collis

Excused: Councilman-----Randy Kast  
Councilman-----Vito Carbone  
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 Councilwoman Penree, seconded by Councilman Stalteri, to accept and place on file the minutes of the previous regular meeting held on May 17, 2022 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. With no one from the public wishing to speak, he would entertain a motion to close the public meeting.

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

CARRIED AYES ALL

**06) Petitions and Communications.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree, to accept and place on file all the petitions and communications 6A through I listed below.

- A. A letter dated February 15, 2022 from NYSDOH Professional Engineer, Sarah Nowalk, concerning 2022 Water Quality Monitoring Requirements.
- B. A letter dated May 10, 2022 from Laberge Group President, Richard Laberge, concerning Solar Farm Planning Board Review.
- C. A letter dated May 24, 2022 from Carlton Yedinak, Section Chief for FEMA Region 2 Public Assistance, concerning the Town of Herkimer’s small project closeout.
- D. The certificate of the Final State Equalization Rate for the 2022 Assessment Roll date May 17, 2022 from the NYS Department of Taxation & Finance Office of Real Property Tax Services.
- E. A letter dated May 27, 2022 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- F. A letter dated May 31, 2022 from the United Stated Environmental Protection Agency Office of Ground Water and Drinking Water, concerning being selected to participate in the next Unregulated Contaminants Monitoring Rule.
- G. Letters dated June 1, 2022 from Supervisor Frank to Darren Bonaparte, Director of the Tribal Historic Preservation Office Saint Regis Mohawk Tribe and Raymond Halbritter, Nation Representative of the Oneida Indian Nation, concerning support the West Herkimer Water District Project.

Supervisor Frank stated this is relative to our West Herkimer Project.

- H. A letter dated June 2, 2022 from NYS Homeland Security and Emergency Services Deputy Commissioner of Disaster Recovery Programs, Rayana Gonzales, concerning the Town of Herkimer's small project closeout.
  - I. A thank you card received from the McMahon Family for the flowers sent.

CARRIED AYES ALL

**07) Routed.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the NYSED Update Emergency Action Plan for Mirror Lake Dam.

CARRIED AYES ALL

**08) Resolutions and Local Laws.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve Resolution No. 14 of 2022- Establishing the Town of Herkimer Supervisor as the Certifying Officer for the West Herkimer Water District Project's Environmental Review Record.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve Resolution No. 15 of 2022- Authorizing Purchase of Real Property from Lahey Trust. Attorney Bray stated this is for the 0.18-acre vacant lot for \$3,400. This is consistent with the appraisal we got.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept, place on file and approve the Standard Workday and Reporting Resolution for Elected and Appointed Officials for 2022.

CARRIED AYES ALL

**09) Old Business.**

Water District: Highway Superintendent stated he read the meters in East Herkimer and gave them to Water Clerk Jodi Rivers on Friday for review. She said the trailer park is high. He also stated he received a call about the Hazlewood residents because they had no water. The guys fixed it but there is still no water working in the residence, so there is a hose running from the neighbors of the Simpsons. Ward stated he will make sure this is taken care of when he returns back from his training on Wednesday.

Supervisor Frank state in the audit you will see we have bills from the Village for water. For McKennan we are still billing for less than we are being charge. East Herkimer we were billed for more gallons that we sent out for to customers but we are still less than what the Village charged us for. Lowe's was the same as always.

McKennan Road Enhancement Project: Attorney Bray stated he hasn't heard back from the County. He will follow-up with them again.

West Herkimer Water: Supervisor Frank stated we are still waiting for supply and testing contracts. We received one for a draft of supply but we would prefer them being separate for when Ken Ward is certified to do this for us.

East Herkimer Sewer District: Supervisor Frank stated the USDA has asked some engineering questions and they would need a new engineering report for the EFC. This would cost us more money to have done. The update would be for this project to be funded and/or low interest loan for their 2023 budget. We have to finish our project by the end of 2023. Our engineer stated there isn't enough time to wait for this, because we would lose out on the other funding we have. The engineer he spoke to today stated he is pretty confident that we can stay on the on the update document but it's not the annual funding document. He will follow-up again with the EFC to verify if this is indeed correct. Attorney Bray stated he needs to get two hard copies of the map and reports from Jeff Tresiak. He stated now that we have the survey completed we can have the easement signed from the school and that's the last one we were waiting for.

East German Street Extension Road Project: Supervisor Frank stated he sent Highway Supt. Ward the reports for him to review.

Sprinkler System Water Break: Highway Supt. Ward stated he will get to it as soon as they can.

Codes: Codes Enforcer Collis stated in regards the house on Zoller Ave. he has spoken to Tolga from landbank about and he is unsure about what he can do. He said if the neighbors could pitch in \$2 to \$3 thousand each then they could split the land up evenly between themselves. Collis stated these people do not have the money to do this. Supervisor Frank stated through the Zombie grant there is \$10,000 that could be used for the demolition, construction or repairs to a property deemed a Zombie Property. He is unsure what is required to be deemed a Zombie Property and will follow-up with Tolga from the landbank.

Collis also stated he has received a few complaints from neighbors of loud music and inappropriate behavior from the bar in East Herkimer. Councilman Stalteri stated the liquor authority should be aware of this and will get involved. Collis stated he will give them a call and also get in touch with the owners of the bar.

Collis stated there is a house on Piper Road that needs to be cleaned out because it is full of junk with tarps on the roof. He will go and speak to them.

He also stated there is a single family home going up on Fiddletown Road.

Lastly he stated the owners of the home on the corner of Carney Ave. and Pine Grove Road have put up a fence that is not to code and they never got a permit to do so.

Landbank:

SunEast Solar Project: Tabled.

DYNA Solar: Supervisor Frank stated the developer is having some issues over escrow agreement. We will receive an electric copy of the project and he will send it to CT Male and Wladis Law Group. We will not be starting the SEQR until we have a signed agreement.

Town Park: Town Park Supervisor Kathi Nasypany stated we had an incident with the cameras at the town park. She stated she had Brain our IT guy review the cameras to see who caused the vandalism. At least one of them needs to be replaced. We are unsure if the other ones need to be yet as well. Brian is taking the pictures of the young men to the police.

NYMIR Risk Control Resurvey Report: Supervisor Frank state he has nothing new to report.

Subdivision Local Law: Tabled.

Cell Towers' and Town Zoning Ordinance: Tabled.

Don Mitchell Bridge: Highway Supt. Ward stated the highway will patch the holes but we will have to call someone about making the rest of the repairs.

Cannabis Zoning Regulations: Attorney Bray stated he is working on it.

Review of 2011 Investment Policy: Supervisor Frank stated he has nothing new to report.

ARPA Funding: Supervisor Frank stated he did our report and has talked to CT Male about a development of a plan for our park. We need parking for the park. We were promised a site visit with the school about purchasing the property that is located behind our town park.

Fireworks: Councilwoman Penree stated we will be having a press release hopefully next week.

She also stated signs are being made as well as advertisements.

Zoning: Attorney Bray stated he ran into Ron Scalise and was told that he is working with the surveyor to get the needed information requested to proceed.

Updated Zoning Ordinance: tabled.

#### 10) **New Business.**

Motion by Councilwoman Penree, seconded by Councilman Stalteri to authorize the Supervisor and Town Clerk to produce procurement documents based on qualifications (RFQ) and distribute such to through various channels seeking engineering firms to provide services relative to the West Canada Creek Landslide Protection Project Scoping Project.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to authorize the Highway Superintendent to place the Town of Herkimer as an interested party on a waiting list to receive a new Western Star plow truck in 2024 or 2025 depending on availability. Highway Superintendent to provide pricing information during 2023 budget discussion and discuss this truck in context of vehicle replacement program.

CARRIED AYES ALL

#### 11) **Reports.**

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Town of Herkimer 2022 Final State and/or Class Equalization Rate.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Water Meeting Minutes dated May 10, 2022.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Acknowledge of Receipt of Emergency Action Plan for Mirror Lake Dam.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Cash Report dated 5/24/2022 for April, 2022.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Bank Reconciliation Report for April, 2022 from Budget Officer Marcia Baylor.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the DCO Report for May, 2022 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Town Clerks Report for May, 2022 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Town Justice Report for May, 2022 from Justice Manne.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated June 6, 2022.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated June 6, 2022.

CARRIED AYES ALL

**1.1) Purchase orders and Audit.**

There are no purchase orders for this meeting.

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Audit dated June 6, 2022. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

**1.2) Adjourn.**

Motion by Councilwoman Penree, seconded by Councilman Stalteri, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Tuesday, June 21, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk.