

Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, June 21st, 2022, at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Randy Kast
Councilman-----Vito Carbone
Councilwoman-----Kathy Penree
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray

Excused: Councilman-----Daniel Stalteri
Deputy Attorney-----Kyle Crandall
Codes Enforcer-----Ken Collis

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 Kast, seconded by Councilwoman Penree, to accept and place on file the minutes of the previous regular meeting held on June 6, 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 Councilwoman Penree, seconded by Councilman Kast to close the public meeting.

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A letter dated April 21, 2022 from Wanda Ingraham concerning complaints to various homes on Piper Road.
Highway Supt. Ward investigated and determined the width of the road which will determine the Town right of Way and if the trees are in the Right of Way or on private property. He stated last year the previous highway superintendent had responded to the first incident of the trees. The highway crew had gone with a bucket truck but the trees were too high to reach. The Town did remove what they could.
- B. A letter dated May, 2022 from Excellus BCBS concerning a Notice of Proposed Premium Rate Change.
- C. A letter dated May 31, 2022 from USI Insurance Services concerning a Certificate of Insurance.
- D. A letter dated June 3, 2022 from Comp Alliance Workers' Compensation Underwriting Director, Jennifer Weible, concerning the Workers' Compensation Funding Contribution for the East Herkimer VFD.
- E. A letter dated June 7, 2022 from Comp Alliance Workers' Compensation Underwriting Director, Jennifer Weible, concerning the Workers' Compensation Funding Contribution for the Town of Herkimer.
- F. A letter dated June 10, 2022 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- G. A letter dated June 13, 2022 from NYS Ag. and Markets Animal Health Inspector, Debra Kosier, concerning the Municipal Shelter Inspection Report dated 6/9/22 rated "Satisfactory".

- H. A letter dated June 14, 2022 from A. Joseph Scott, III of Hodgson Attorneys, concerning PILOT for Nathan Galinsky Apartments Preservation LLC Project, Series 2022. Supervisor Frank stated the IDA is writing a grant to digitize all of the zoning maps for all municipalities in Herkimer County.
- I. A letter dated June 21, 2022 from Supervisor Frank to the NYS Department of State, Robert J. Rodriguez, concerning the Smart Growth Community Planning and Zoning Program Letter of support.
- J. A letter from the Mohawk Valley Economic Development District, Inc. concerning a collaborative partnership with the Hamilton College Levitt Center on a Community Impact Fellowship program.
- K. A flyer from the Mohawk Valley Economic Development District concerning the Agri-Smart Mohawk Valley.
- L. A flyer for Dog Enumeration Services.

CARRIED AYES ALL

07) Routed.

Motion by Councilman Kast, seconded by Councilwoman Penree to accept and place on file the 2022-2023 NYS Association of Towns Directory of Town Officials.
Supervisor Frank stated he hasn't looked at it yet but it is available for review on our front table in the Town Office.

CARRIED AYES ALL

08) Resolutions and Local Laws.

Motion by Councilwoman Penree, seconded by Councilman Kast to accept, place on file and approve Resolution No. 16 of 2022- to hold a public hearing for the CDBG for the West Herkimer Water District.
Supervisor Frank stated these would be funds for laterals for the residents in the West Herkimer Water District who meet income eligibility.

CARRIED AYES ALL

09) Old Business.

Water District: Highway Superintendent Ward stated we found the leak and fixed the service on McKenna Road. Supervisor Frank stated there was a water meeting this morning and although two leaks have been fixed we are still being billed for 10,000 more gallons than we billed out for. McKenna Road Enhancement Project: Supervisor Frank stated the State of New York needs to review the plans of who is getting a service stub. Right now there are 19 vacant lots that we have sent to Codes Enforcer Collis to review and let us know if they are large enough to build on. We are still waiting for a response.
Attorney Bray stated the County created an addendum and they want to add a clause to say the amended addendum clause is for holding the County harmless. Bray stated he will need the board to vote to allow Supervisor Frank to sign the and send back the addendum.

Motion by Councilman Kast, seconded by Councilwoman Penree to allow Supervisor Frank to sign and send back the addendum.

CARRIED AYES ALL

West Herkimer Water: Supervisor Frank stated we applied for the lateral grant and to see below for the executed grant with the Financial Advisors.

East Herkimer Sewer District: Attorney Bray stated it's a slow progress but the title insurance is being processed. He stated the school has everything signed in its easement. Supervisor Frank stated he needs the easements to submit them to Northern Borders Commission to obtain a notice to proceed. Attorney Bray will record them with certified copies. Easements are in the Town of Herkimer's name until the District is formed and then will be transferred to the district. East German Street Extension Road Project: Supervisor Frank stated you will see the report from CME under reports. Highway Supt. Ward stated Councilwoman Penree had called him with concerns of the changes in conditions of the wall and road in front of her home. He then called the engineer who came out last Thursday evening to inspect. The engineer will be looking further in depth to what is going on. Ward stated the Village took a look at the water main and there was no noise or leaks. Supervisor Frank stated in review of the report he took take action steps to retains a surveyor to do what CME needs. He also emailed John Raymond at the 911 center to get ahold of a diver. John Raymond was reaching out to at DOT. Supervisor Frank stated he called a

number given to him by Ray Johnson for Hunt Underwater Specialties and they will be letting us know when they can do the dive and come down and help. Supervisor Frank stated we will write questions that Hunt has to get answers from the engineer. CME will write a report based on their testing, the information from the dive and the survey and suggest a plan of action. Attorney Bray thinks or wonders if it would be beneficial to get a second opinion. Councilwoman Penree asks if the firm is responsible for this issue. Attorney Bray stated he does not know whose fault it is. Highway Supt. Ward stated the engineer will defend his design. Attorney Bray asked if we have the design sheets? Supervisor Frank stated he has all the information for the project of seven years ago. Councilwoman Penree stated another engineer is a good place to get the answers. Supervisor Frank stated we did a study on the West Canada Creek and Piper Road. He will call the engineers at CT Male Supervisor Frank also stated he will be meeting with Assemblyman Smullen tomorrow at 10:00AM to review various spots of concern in the Town of Herkimer that we are hoping to get funding for.

Sprinkler System Water Break: Highway Supt. Ward stated he will get to it as soon as they can. Codes: Codes Enforcer Collis was not present at the meeting.

Landbank:

SunEast Solar Project: Tabled.

DYNA Solar: Supervisor Frank stated he passed the project to our consultant engineer and consultant attorney to confirm that it's the same as last time.

Town Park: nothing new to report.

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 we have received a couple of calls about the potholes on the bridge so he sent out the guys to cold patch them for now. He also stated the DOT flags have been removed from the Fiddletown Bridge.

Cannabis Zoning Regulations: Attorney Bray stated he is working on it and stated it might be part of the zoning discussion as well. He stated he did reach out to consultant that was referred to him for the zoning and they are willing to meet with us and provide us a proposal. We need to combine everything and make it current to have our zoning ordinance updated. He stated there is also a service call ecode360 that many municipalities use as a way to keep everything organized and easily accessible. Councilman Kast asked if we could get funding from the IDA for this? Supervisor Frank stated the IDA is currently trying to get funding for all of the municipal zoning maps to be digitized.

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

ARPA Funding: Supervisor Frank stated he met with Park Supervisor Kathi Nasypany and Councilman Stalteri to talk about our ideas and concerns for the Town Park. He stated Jim Thatcher will be the grant writer for planning and construction for what we want of our park. He stated the first thing we need to do is see if the school would sell us the land behind the fields. We tried before but the school was going to put a solar farm in and then that fell through. Supervisor Frank stated the pickle ball stripes have been put on the basketball courts and have been being used every day.

Fireworks: Councilwoman Penree stated we will have our last zoom call before the event on Tuesday to go over all of the final things. She stated all of the policing met last week so we are all good there. The Road will close about twenty minutes before the fireworks go off.

Zoning: Nothing new to report.

Updated Zoning Ordinance: tabled.

10) **New Business.**

Internet at the Town Park: Supervisor Frank stated our cameras need internet at the Town Park. The speculation is that they will need to put up poles. This will cost the Town roughly \$2,900. The board agreed to table this until they can see the site plan.

11) **Reports.**

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Cash Report for May, 2022.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Bank Reconciliation Report for May, 2022.

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 Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Fiscal Advisors & Marketing, Inc. Financial Advisory Services Agreement dated 6/15/2022.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the NYS Community Development Block Grant Program Income Report dated 6/15/2022.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the CME Engineering Group, D.P.C. Site Visit Report for 6/16/22 at East German St. Ext. Project.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Town Justice Report for May, 2022 from Justice Petucci.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Carbone to accept and place on file the Trial Balance Report dated June 21, 2022.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept and place on file the Revenue and Expense Report dated June 21, 2022.

CARRIED AYES ALL

Highway Supt. Ward stated that his pickup that was ordered back in January is still not in and they have not been able to give him a definite answer to when they expect it to arrive. He is wondering if he can shop around and try to find one for the same price off the lot somewhere because he needs it. The board suggested that he reach out to the owner of where it was ordered and go from there.

11) Purchase orders and Audit.

Motion by Councilman Carbone, seconded by Councilwoman Penree to accept, place on file and approve the purchase order for the pickle ball stripping of the basketball courts.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Audit dated June 21, 2022. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Kast to go into executive session to discuss litigation and personnel matters.

CARRIED 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 Councilwoman Penree, seconded by Councilman Kast, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Tuesday, July 5, 2022 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk