

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Tuesday, July 6, 2021 at 6:00PM telephonically and virtually.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Daniel Stalteri
Councilman-----Vito Carbone
Attorney-----Christopher Bray

Excused: Councilman-----Randy Kast
Councilwoman-----Kathy Penree
Highway Supt.-----David McManus
Deputy Attorney-----Kyle Crandall
Codes Enforcer-----Ken Collis

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 Stalteri seconded by Councilman Carbone, to accept and place on file the minutes of the previous Regular Meeting held on June 21, 2021 with the suggested edits.

CARRIED AYES ALL

05) Public Meeting.

Supervisor Frank stated anyone from the public who would like to speak during our public meeting to please state your name, address and tell us why you are here.

No one from the public wished to speak.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A. A letter dated June 21, 2021 from the NYS Canal Corporation Director, James Candlioro, concerning the Earthen Embankment Integrity Program and Notice of Release of the Draft Generic Environmental Impact Statement.
- B. A letter dated June 22, 2021 from Supervisor, Dominic Frank to the Mohawk Valley Regional Economic Development Council, in support of the Valley Health Service's request for funding through 2021 Consolidated Funding Application.
- C. An email and brochure received June 28, 2021 from Inframark Director of Business Development, Michael Cronin, regarding information about the business relative to Water, Wastewater Operations and Maintenance.
Supervisor Frank stated Mr. Cronin runs a business that helps municipalities run their water department.
- D. A letter dated June 30, 2021 from the Office of the New York State Comptroller Assistant Counsel, Laura Crisafulli, concerning the Establishment of Water District No. 3.
- E. A flyer received June 30, 2021 from the Pinsky Law Group concerning a presentation on legalized marijuana and municipal employment.
- F. An email received July 1, 2021 from the NYS Opportunity Division of the Budget concerning the eligible funding available for our municipality from the ARPA Coronavirus Local Fiscal Recovery Fund.
- G. An email received July 2, 2021 from the NYS Division of Homeland Security & Emergency Services Hazard Mitigation Project Manager, Steven Bornt, concerning for the Hazard Mitigation Grant Program sub-application for funding consideration for FEMA 4472 DR-NY.
Supervisor Frank stated this is another step in the right direction for potential funding.

H. A signed agreement between the Town of Herkimer and the Herkimer Central School District for the Collection of School Taxes.

CARRIED AYES ALL

07) Routing.

08) Resolutions and Local Laws:

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Resolution No. 21 of 2021 to enter into a memorandum of understanding with the Greater Mohawk Valley Land Bank for Code Enforcement Services.

Attorney Bray stated this is to enter into an agreement with the Landbank for code enforcement services. He stated the Landbank wanted to make sure we are aware that they will be identifying codes violations but will not be issuing any tickets. Tickets need to be issues by the municipality's codes enforcer.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Resolution No. 22 of 2021 to support the Village of Herkimer Summer 2021 Swimming Pool Program.

Attorney Bray stated the Village Board still needs to review the contract. He stated he left the amount blank because he was unsure the amount we were going to contribute. Supervisor Frank stated two years ago we contributed \$8,000. He figures the pool is open eight weeks and it's an average cost of a thousand a week. He also stated we will only pay \$1,000 per week for when they are actually open. Councilman Stalteri suggested we shouldn't pay until the end of the season. The Board agreed. Councilman Carbone stated we should have some sort of invoice with a breakdown of the cost. Supervisor Frank stated we can ask for one each week. Attorney Bray stated this resolution is giving Supervisor Frank the authority to enter into a contract with the Village. He will make the updates requested for the resolution.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Resolution No. 23 of 2021 is the introductory resolution for Local Law No. 1 of 2021.

Attorney Bray stated our insurance provider recommended that we consider a local law to clarify the time limit we would have to receive written notice for dangerous highway conditions in order to be sued. The public hearing will be set for our next meeting July 19, 2021 at 6:05PM.

CARRIED AYES ALL

Attorney Bray stated the next two resolutions from Bond Council for the Town Park Improvements and for the Acquisition of the Author Street Property. Bond Council said that we can combine these two for one BAN. Supervisor Frank suggested borrowing the \$200k and then we have \$45k of the grant money we received for the park improvements.

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Resolution No. 24 of 2021 is a Bond Resolution for the Town Park Improvements.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Resolution No. 25 of 2021 is a Bond Resolution for the Acquisition of the Author Street Property.

CARRIED AYES ALL

09) Old Business.

CHIPS 2021: Supervisor Frank stated he has a few complaints from residents on McKennan Road where some of their driveways sit lower than the road lip that was created when paved. He has followed up with Highway Supt. McManus who is aware and will correct them.

East German Street Extension Emergency Road repair Project: Supervisor Frank stated that Highway Superintendent is still searching for a construction company who has large enough equipment to move the large rocks to stabilize the bank.

Water District: Supervisor Frank stated we are having billing issues for our Mckennan Water District. He has a meeting set with the Mayor and Water Supt. McManus tomorrow.

Mckennan Road Enhancement Project: Supervisor Frank stated he is trying to reach out to the other residents for easements. He will try again this week. Councilman Stalteri asked if we can move the placement so we wouldn't need to go through the process of getting another easement? Attorney Bray stated this one is barely touching their property and is where the engineers moved it to make the placement of the pump more favorable for the Simpsons whose property the pump will be located on. He also stated the County highway wanted the layout for the site line of the building but he does not see this as an issue. Supervisor Frank will reach out to the engineer to see if there is a way to make it so we won't need another easement.

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

East Herkimer Sewer District: Supervisor Frank stated the soil borings have been completed and now he is working with the school and landowners for the easements needed for this project. He will follow-up with them as well.

NYMIR: Supervisor Franks stated we had the resolution for the local to comply with one of the recommendations made. He will schedule a time to get together with Clerk DeMetro and Highway Superintendent McManus to review the rest of the listed items.

Codes: Code Enforcer Collis stated last week we had a Planning Board meeting and he asked the members of the board their opinion on the Zoning Application. Planning Board Chair Mark Gaworecki stated it will either have to go to the Zoning Board of Appeals or for a Special Use Permit for this change. Clerk DeMetro stated she was unaware that there was both a subdivision and a zoning change application for this property and that she believes the subdivision would have to happen first. Mark Gaworecki stated he was unaware of the subdivision application either and agrees that this would have to happen before the zoning change application.

Landbank: Attorney Bray stated he has reached out to the Landbank and is working on a draft for a shared services agreement with the Landbank for codes enforcement services.

Dog Control Local Law: Tabled

Subdivision Local Law: Tabled

SunEast Solar Project: Supervisor Frank stated he has nothing new to report.

10) **New Business.**

Active Fire Department Members Tax Exemption- Supervisor Frank stated Councilman Kast met with the East Herkimer Fire Department and they are asking that we have an exemption on the taxes for their active members. Councilman Stalteri stated he doesn't see a problem with it and that it will only be off of their town taxes if we pass it. Councilman Carbone stated it might be a good incentive to get more people to join. Supervisor Frank stated we will discuss this more at our next meeting that Councilman Kast attends but he thinks this would be for roughly twenty people if we agree to it.

11) **Reports**

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town Clerks Report for June, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report date July 5, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated July 5, 2021.

CARRIED AYES ALL

12) **Purchase orders and Audit.**

Purchase Orders. There were no purchase orders for this meeting.

Motion by Councilman Stalteri, seconded by Councilman Carbone to approve the audit dated July 6, 2021. Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to go into executive session.

CARRIED AYES ALL

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

CARRIED AYES ALL

13) Adjourn.

Motion by Councilman Carbone, seconded by Councilman Stalteri to adjourn until our next Regular Meeting to be held on July 19, 2021 at 6:00PM at the Town Hall located at 114 N. Prospect Street in Herkimer.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk