

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, April 3, 2023, at 6:00PM telephonically and virtually.

**02) Roll Call of Officers**

Present:

Supervisor-----Dominic Frank  
 Councilman-----Randy Kast  
 Councilman-----Daniel Stateri  
 Councilman-----Vito Carbone  
 Highway Supt.-----Ken Ward  
 Attorney-----Christopher Bray  
 Town Park Supervisor-----Kathi Nasypany  
 Codes Enforcer-----Ken Collis (attended by zoom)

Excused:

Deputy Attorney-----Kyle Crandall  
 DCO Officer-----Erica Dunton

**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 Stateri, seconded by Councilman Carbone, to accept and place on file the minutes of the previous meeting held on March 20, 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.

Supervisor Frank stated he had received an email in regard to a fitness court and thought the board might be interested in. He handed out paperwork and showed a video on fitness courts for the board to view. He stated he thought this might be something we would be interested in adding to our Town Park since we will have more traffic there with the walking trail and farmers market. All of the material is weatherproof. Currently the closest one are located in Troy and Oswego. The board agreed to look into this idea further.

One student was present: Bella Denapole

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

CARRIED AYES ALL

**06) Petitions and Communications.**

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

- A. A letter dated February 27, 2023 from FEMA Section Chief of Region 2 Public Assistance, Trevor Karl, concerning the small projects closeout.
- B. A letter dated March 7, 2023 from the NYS Homeland Security and Emergency Services Deputy Commissioner for Disaster Recovery Programs Rayana Gonzales, concerning the small project closeouts.
- Supervisor Frank stated items A and B are the closeout documents from FEMA and NYS for the work done on Osborne Hill Road.
- C. Emails received March 7<sup>th</sup> through the 28<sup>th</sup> from Empire State Development Economic Development Program Specialist, Mark LaBuzzetta, concerning the East Herkimer Sewer District.
- Supervisor Frank stated this is good news that we got the extension from the ESDE for the East Herkimer Sewer District.

- D. A letter dated March 15<sup>th</sup>, 2023 from the Herkimer County Department of Budget and Purchasing Officer, Sheri Ferdula, concerning the approved ARPA funds and their requirements.
- E. A letter dated March 20, 2023 from the Herkimer County Department of Budget and Purchasing Officer, Sheri Ferdula, concerning the approved ARPA funds we requested from Legislator Schrader.  
Supervisor Frank stated items D, E and F are relative to legislators Gaworecki, Malta, and Schrader support towards the walking trail. These funds are great appreciated.
- F. A Certificate of NYS Workers' Compensation Insurance Coverage dated March 21, 2023 for SBA Communication's Corporation effective 3/15/23 through 3/15/24.
- G. A letter dated March 22, 2023 from Tucker Lounsbury of NBT Insurance Agency concerning a Governmental Insurance Disclosure.
- H. A letter dated March 24, 2023 from Supervisor Frank to the Empire State Development Corporation Regional Director, Allison Madmoune, concerning the East Herkimer Sewer District Project.
- I. Letters dated March 29, 2023 from the Herkimer County IDA, concerning the Notice of Public Hearing and Resolution for the Proposed HCCC Solar, LLC Project.
- J. A letter dated March 30, 2023 from the Herkimer County Department of Budget and Purchasing Officer, Sheri Ferdula, concerning the approved ARPA funds we requested from Legislator Malta.
- K. A letter dated April 1, 2023 from the Herkimer County IDA, concerning the Notice of Public Hearing for a PLOT Agreement with the SunEast Watkins Road Solar, LLC.  
Supervisor Frank stated items I and K are stating there will be public hearings for the two solar projects in our Town.
- L. A letter dated April 2, 2023 from Brandee Bray of the Herkimer Softball League requesting permission to use the Town Park for games and practices.  
Supervisor Frank stated we have a request from the town softball league and asked the coordinator to work with Kathi Nasypany for scheduling under reports. Under reports we have their certificate of insurance. Councilman Stalteri stated the storage is an issue with the but they are willing to share the cost of a new storage shed.
- M. A letter dated March, 2023 from GOGovApps VP of Sales, Kevin Strauss, concerning Citizen Request and Notification Software.

CARRIED AYES ALL

**07) Routing.**

**08) Resolutions.**

Motion by Councilman Stalteri, seconded Councilman Kast to accept, place on file and approve the 2023 Budget Amendment for the BAN on 160 Pine Grove Road.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded Councilman Carbone to accept, place on file and approve Resolution No. 12 of 2023 for the BAN on Highway Equipment.  
Highway Supt. Ward stated the loader is in Syracuse and the trailer is on the way. Supervisor Frank stated \$50K of this was funding received from Assemblyman Smullen.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded Councilman Carbone to accept, place on file and approve the Resolution No. 13 of 2023 for Local Law No. 1 of 2023 to Extend the Term Lengths.  
Supervisor Frank stated this is in an effort to extend the term lengths from two years to four years for the Supervisor, Town Clerk and Highway Superintendent. The idea is to get it on the ballot for the November election.

CARRIED AYES ALL

**09) Old Business.**

Water District: Highway Superintendent Ken Ward stated a resident in East Herkimer had a leak but it has been taken care of.

Mckennan Road Enhancement Project: Supervisor Frank stated the plans are being reviewed by the DOH. He stated we have a testing contract now and a new schedule under reports.

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

East Herkimer Sewer District: Supervisor Frank stated Councilman Stateri and himself received an email from a company about potential funding sources. This company does grant writing but was unable to find any federal or state funding and so they are advising that we press this on our higher elected officials. We agree and will do so. Attorney Bray stated he has resubmitted everything to the local branch manager in regards to the Lahey property and they sent it to the back office. He believes any money received the bank would want it to go against the mortgage, which Mr. Layeh is okay with. Councilman Stateri asked if we have expressed that we will enforce eminent domain since this is taking so long and holding up the project? Attorney Bray replied he will relay the message. He also stated he did get a response from the State Comptroller stating their calculations didn't match ours. We think we need to hold a new public hearing and resubmit it.

East German Street Extension: Councilman Stateri stated there has been no movement to date. Codes: Codes Enforcer Collis stated we have had five building permits. He stated he had sent out a letter to Mr. Dolly of Highland Ave. He stated he gave him till the end of the month to get the proper permits and have everything cleaned up.

Landbank: Supervisor Frank stated we have \$18k in money left over from the Zombie Grant that can be used county wide; \$2,700 for legal fees, \$5,000 for codes, and \$10,000 in a revolving fund for zombie related projects. The land bank has submitted a request for funds towards legal fees that was used for a project in Dolgeville that cost around \$3,000. We have \$2,700 that can be used for legal fees so we gave them that.

Zoller Ave: Supervisor Frank stated he has nothing new to report.

Piper Road: Supervisor Frank stated we received our second invoice from the consultant and should be getting the preliminary report by the end of next month.

NYMIR Risk Control Resurvey Report: Tabled.

Subdivision Local Law: Tabled.

Shells Bush Road Solar Project: Supervisor Frank stated Councilman Stateri and himself spoke to a landscape technical firm to give us a design and proposal.

Cell Towers' and Town Zoning Ordinance: Tabled.

Updating Zoning Ordinance: Tabled.

ARRA Funding: Supervisor Frank stated Councilman Stateri and himself have a meeting at 10:00 AM on Wednesday with a consultant for landscaping and park planning. We will talk to them to see what their ideas are.

Fireworks: Clerk DeMetro stated we are in the process of sending out support request letters.

EPA Testing East Herkimer Water District: Highway Supt. Ward stated he hasn't heard anything yet.

Negotiations with Teamsters: Highway Supt. Ward stated they are working on the cost of insurance.

160 Pine Grove Road: Councilman Stateri stated most of the locks have changed to a matching one key and the chain with pad locks all with matching locks as well. He also stated that he has met with REM for the fire alarm system. The existing system already has wiring that works so this saved us money but we will need to change the panel box and all of the smoke detectors in the building. There are two fire escapes that should be blocked as well so safety issues. Councilman Kast stated we should have someone to inspect the boiler. The highway guys removed the bushes and cleaned up around the property. They did a great job and it looks great. Our IT guy has been there and will start running the wiring for the cameras. There is an invoice in the audit. Councilman Stateri stated this is a great asset for the Town of Herkimer. Supervisor Frank stated we also need to show the importance of the flags and have them up there.

Exercise Trail at Town Park: Supervisor Frank stated we will attempt for a second proposal for the landscaping.

#### 10) New Business.

Herkimer County's 2023 Mitigation Plan: Supervisor Frank stated Herkimer County is updating their mitigation plan so we need to update ours as well. In the packets are copies of our current one that we need to update. He asked the board when would be a good time to schedule a workshop

meeting to discuss this. They agreed to me on Monday, April 10<sup>th</sup> at 5:00 PM. Clerk DeMetro will post this accordingly.

160 Pine Grove Road Repurposing-Community Input Survey: Supervisor Frank stated the consultants we met with are recommending that we do a community survey for the use of this property. Supervisor Frank created a draft of the survey was given in the packets for the board to review. Councilman Stalteri stated it looks good and is right to the point. The rest of the board agreed.

Proposed Contract Pool Support for 2023: Supervisor Frank stated we need to review the pool contract. The board and Attorney Bray reviewed it and agreed it looked good so we will get it signed in the mail.

Motion by Councilman Stalteri, seconded by Councilman Kast to allow Supervisor Frank to sign and send it out to the Village.

CARRIED AYES ALL

Trash Days: Highway Supt. Ward stated the Spring Trash days will be June 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>. He stated we need to amend the prices on the tire list since they have gone up significantly. We will change the wording for the cost to be subject to the market value.

Motion by Councilman Stalteri, seconded by Councilman Kast to approve to trash days' schedule and rate change amendment.

CARRIED AYES ALL

Sponsorship for Chowdown: Supervisor Frank stated we have received a request again this year to sponsor a night at the Chowdown. The board agreed to send in a \$500 donation for a band.

Motion by Councilman Stalteri, seconded Councilman Carbone to approve the \$500 donation to the Chowdown for a band sponsorship.

CARRIED AYES ALL

#### 1.1) Reports.

Motion by Councilman Stalteri, seconded by Councilman Kast to accept, place on file and approve the REM Fire Systems, Inc. quote for 160 Pine Grove Road. Councilman Stalteri stated this is the same one we use for the Town Office building.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file the Certificate of Liability Insurance for the Softball League.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Herkimer County Multi-Jurisdiction Hazard Mitigation Plan 2023 Update.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Farmers' Market Vender Application.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Comp Alliance Member Participation Agreement with the EHFD.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Comp Alliance Member Participation Agreement with the Town of Herkimer.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the East Herkimer Sewer District Project Timeline.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept, place on file the design for the Bill Board and Street Signs for the Farmers' Market.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Mckennan/Steuben Road Water District Project and Construction Schedule.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept and place on file the Emergency Orders dated 3/23, 3/23, and 4/2 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Town Clerks Report for March, 2023 from Clerk DeMetro.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Trial Balance Report dated April 2, 2023.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated April 2, 2023.

CARRIED AYES ALL

**11) Purchase orders and Audit.**

There were no purchase orders for this meeting.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Audit dated April 3, 2023.

CARRIED AYES ALL

**12) Adjourn.**

Motion by Councilman Kast, seconded by Councilman Stalteri, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular meeting to be held on Monday, April 17<sup>th</sup>, 2023 at 6:00PM.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk.