

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, March 15, 2021, at 6:00PM telephonically and virtually. Receiver

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
 Councilwoman-----Kathy Penree
 Councilman-----Daniel Stalteri
 Councilman-----Vito Carbone
 Councilman-----Randy Kast
 Highway Supt.-----David McManus
 Codes Enforcer-----Ken Collis

Excused: Attorney-----Christopher Bray
 Deputy Attorney-----Kyle Crandall

03) Pledge of Allegiance to the Flag.

Supervisor Frank 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 March 1, 2021 as written.

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

CARRIED AYES ALL

06) Petitions and Communications.

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

- A.) A letter dated February 4, 2021 from the NYS Department of Health Senior Sanitarian, Susan Simonelli, concerning the 2021 Water Quality Monitoring Requirements.
 Supervisor Frank stated we will further discuss this in executive session.
- B.) A letter dated February 10, 2021 from Constructure Technologies concerning the Statutory Gross Receipts for January, 2021.
- C.) Letters dated March 1st and 9th, 2021 from Charter Communications Director of Government Affairs, Alice Kim, concerning upcoming changes in service.
- D.) A letter dated March 2, 2021 from NYS Homeland Security and Emergency Services Chief of Hazard Mitigation Programs, Marlene White, concerning the West Canada Bank Stabilization Project.
 Supervisor Frank stated we applied from two different funding sources. We were denied from one of them and are still waiting for an answer on the other. Our consultant is excited for the second and thinks we have better chances for this.
- E.) A letter dated March 9, 2021 from the NYS Ag and Markets Animal Health Inspector, Debra Kosier, concerning the Dog Control Officer Inspection Report rated "Satisfactory".
- F.) A letter dated March 11, 2021 from the Friends of Historic Herkimer County concerning a follow-up regarding a request for assistance with the Herkimer Historic Jail Restoration & Tourism Project.

Supervisor Frank stated he has been in communication with them and told them that we have contributed in the past but have concerns committing at this time due to not knowing what state aid we will get this year. Last year the state aid was cut by twenty percent. We will need to wait until we know more information. The Board agreed.

Supervisor Frank stated relative to this the federal government was sending towns with a population of fifty-thousand or more funds directly but all other towns smaller than this, which would include us, the money was sent to the state first to then be distributed and we are unsure of how this process will go for distribution. This money can be used to offset revenue, premium pay for essential workers, broadband, and for infrastructure.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

09) Old Business.

Water District: Supervisor Frank stated he was surprised to find out that there was a boil water advisory for the Town of Herkimer when he turned on the news Saturday evening. Highway Supt. McManus stated there was a main break in Pullman Flatts so the water needed to be turned off in East Herkimer therefore we needed to use the tank to supply water. When the Village turned the water back on the pressure caused a break on Gros Blvd. This has since been repaired. The water is now turned on but we are still under a boil water advisory. Councilman Stalteri asked if we have some sort of protocol of who to contact when things like this happen because he found out about the boil water advisory through a constituent. McManus replied stating he made a list of those who need to be contacted that the board agreed upon previously. He alerted the school, BOCES, and Valley Health. Councilman Stalteri asked if we could set up a group text so that the board and Clerk DeMetro will be notified at real time of an emergency. All agreed. Councilman Stalteri also asked if we have found a leak on McKennan Road relative to the high bill we received? Clerk DeMetro stated Ken Ward was in the office and stated there were no leaks on our end and that he believes there is a leak on the Village end in the same place that one was in the past. McManus agreed. Councilwoman Penree asked if there has been any response from the Village to our concerns over this high bill? Supervisor Frank stated these issues are going to continue due to the cross-lot line issues. He is unsure what we can do since its on private property.

McKennan Road Enhancement Project: Supervisor Frank stated Attorney Bray, our consultant, and I spoke with the landowners for the location of the pumpstation. The landowners agreed on the location and we are in the process of getting it surveyed in order to create an agreement. We are also working on getting mylar copies of the maps for the enhancement project to get them filed with the County.

West Herkimer Water: The survey is complete.

East Herkimer Sewer District: Supervisor Frank stated he has applied for an extension from Northern Border Regional Commission until the end of 2022 to be consistent with the other funding from the State and with our engineers' project completion schedule.

Codes: Codes Enforcer Collis stated Ron Scalise wants us to look at the zoning for a piece of property that he owns on Gros Blvd. He wants to sell it to 'Stumpin' by Mike but it is not zoned for that type of business there. It is now zoned R2. He is asking if we could rezone it. He has applied for a variance to planning board. Planning Board Chair Mark Gaworecki stated the zoning could only be changed if it goes to the Zoning Board of Appeals or by a Special Use Permit. He stated his personal opinion is that it shouldn't be changed because it was made that way for a reason but it is ultimately up to whichever process he decides to pursue. Codes Enforcer Collis stated Mr. Scalise is also expressing interest in putting a solar farm in down the road.

NVM/IR: Supervisor Frank stated we have lots of trainings starting up.

Landbank: Supervisor Frank stated we are expecting another disbursement for the Zombie Grant. He also stated we were told there is an agreement between the county and the landbank to continue into the fall to be able to finish up some of the projects, such as the trailer park. Legislator Robert Schrader stated that we are moving forward with receiving money from the state for delinquent taxes.

SunEast Solar Project: Supervisor Frank stated we received an email from the Town of Schuyler who stated the project is scheduled for completion in 2022. They still need to pay the fees and supply us a contract for who they are selling to. Supervisor Frank stated he was optimistic that the project is moving in the right directions.

Subdivision Local Law: Tabled.

10) New Business.

1.1) Reports.

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Cash Report dated February, 2021.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town Justice Report for February, 2021 from Karl Manne.

CARRIED AYES ALL

Motion by Councilman Stalteri seconded by Councilwoman Penree, to accept and place on file the Dog Control Report for February, 2021 from DCO Erica Dunton.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilwoman Penree to accept and place on file the Trial Balance Report dated March 12, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated March 12, 2021.

CARRIED AYES ALL

1.1) Purchase orders and Audit.

Purchase Orders:

Motion by Councilman Kast, seconded by Councilwoman Penree to approve Purchase Order #1 of 2021 for the Transmission Bullet Salt Truck.

A role call was taken by Clerk DeMetro as follows.

	AYE	NOE	ABSENT
Supervisor Frank	<u> X </u>	<u> </u>	<u> </u>
Councilman Kast	<u> X </u>	<u> </u>	<u> </u>
Councilman Stalteri	<u> X </u>	<u> </u>	<u> </u>
Councilman Carbone	<u> </u>	<u> X </u>	<u> </u>
Councilman Penree	<u> X </u>	<u> </u>	<u> </u>
Purchase Order Adopted	<u> 4 </u>	<u> 1 </u>	<u> 0 </u>

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman Penree to approve Purchase Order #2 of 2021 for the Rear Axil and Read Differential Carrie for the 2014 Freight Liner.

Highway Superintendent McMannus stated he thinks its smarter to replace all of it and that it will probably save us money in the long run. Councilman Kast stated he agrees with McMannus and that this is common practice for replacing a rear end.
A role call was taken by Clerk DeMetro as follows.

	AYE	NOE	ABSENT
Supervisor Frank	<u> X </u>	<u> </u>	<u> </u>
Councilman Kast	<u> X </u>	<u> </u>	<u> </u>
Councilman Stalteri	<u> X </u>	<u> </u>	<u> </u>
Councilman Carbone	<u> X </u>	<u> </u>	<u> </u>
Councilman Penree	<u> X </u>	<u> </u>	<u> </u>
Purchase Order Adopted	<u> 5 </u>	<u> 0 </u>	<u> 0 </u>

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Kast to accept and place on file the Audit dated March 12, 2021.
Councilman Stalteri recused himself from the Hummel's bill.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to go into executive session to discuss personnel.

CARRIED AYES ALL

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

CARRIED AYES ALL

Motion by Councilman Kast, second by Councilwoman Penree to authorize Supervisor Frank to execute the Teamsters Contract for the period of 1/1/2021-12/31/2023 conditional upon Supervisor Frank's satisfactory review of the documents requiring signature.

CARRIED AYES ALL

Motion by Councilwoman Penree, second by Councilman Carbone to authorize Supervisor Frank to execute the rate sheets for the Teamster's medical insurance plan for the period of 1/1/2021-12/31/2023 conditional upon Supervisor Frank's satisfactory review of the documents requiring signature.

CARRIED AYES ALL

Motion by Councilman Stalteri, second by Councilman Carbone to approve Highway Superintendent McManus to hire an on-call, part-time, seasonal employee for the Highway Department beginning March 15, 2021 through April 16, 2021.

CARRIED AYES ALL

Motion by Councilwoman Penree, second by Councilman Stalteri to authorize Supervisor Frank to obtain the contact information of the current Village of Herkimer water customers who reside in the Town of Herkimer, who are located on Beardslee and Hyland Avenues and Steuben Road for the purpose of drafting a letter to such residents regarding the transition of their water service from the Village of Herkimer to the Town of Herkimer.

CARRIED AYES ALL

12) Adjourn.

Motion by Councilman Kast, seconded by Councilman Carbone, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, April 5, 2021 at 6:00PM. The next meeting is scheduled as a virtual and telephonically meeting.

CARRIED AYES ALL

Jennifer M. DeMetro, Herkimer Town Clerk