

Regular Meeting of the Board of Trustees of the Village of Herkimer, New York, held, Tuesday, September 2, 2014 at 7:00 P.M. at Municipal Hall.

At 6:30 PM the Board met with **Attorney Michael Longstreet**.

Attorney Longstreet explained to the board the financial situation with Valley Health Services. The village is entitled to a payoff of \$1.8 million in 2024. There is a reverter cause in the contract, which means the facility will revert back to the village. They do have HUD bonds, so that is common language he said. Valley Health doesn't want the village to sell the notes. He estimated the note to be worth about \$700,000.00 today. It's hard to sell because its simple interest, which means it doesn't compound. He said he would see if there is an interested party.

On motion by Trustee Weisser, seconded by Trustee Brown and carried, to authorize Attorney Longstreet to look into the possible sale of the Valley Health Note.

The Regular Meeting was opened at 7:00 p.m.

PRESENT: Mayor Anthony Brindisi
Trustee Harold Stoffolano
Trustee Greg Malta
Trustee Kelly Brown
Village Attorney Nicholas Macri
Acting Clerk Treasurer Amanda Viscomi

Department Heads Present: Water Sewer Superintendent Scott Blas, Fire Chief John Spanfelner, Police Chief Joseph Malone, Street Superintendent Peter Macri.

The **Pledge of Allegiance** was said, led by Mayor Brindisi.

On a Motion by Trustee Stoffolano, seconded by Trustee Malta and carried, the minutes as distributed of the **regular Meeting of August 11, 2014** and the **Special Meeting of July 28, 2014, August 13, 2014 and August 25, 2014** were accepted and placed on file.

3. PUBLIC MEETING

Ken Wells, of Affordable Cabs, questioned the Medallion Program. He said his revenues are anywhere from \$250,000.00 to \$300,000.00 a year. These unauthorized vehicles can cost my business up to \$40,000.00. Are you going to implement the program?

Since no one else wished to speak, the **Public Meeting** was closed at 7:13 P.M. on a Motion by Trustee Weisser, seconded by Trustee Malta and carried.

4. PETITIONS AND COMMUNICATIONS

4A. The request from Margaret Vella and Ann Marie Lavallo to reserve South Field on September 20, 2014 was approved on a Motion by Trustee Malta, seconded by Trustee Brown and carried.

4B. The request from Theresa Tangorra, class of 1959, to place a memorial bench in Myers Park was approved on a motion by Trustee Weisser, seconded by Trustee Brown and carried. The request was also referred to Trustee Malta, the Liason for Parks to coordinate with Mrs. Tangorra.

4C. The request for more spaces for Road tests was referred to Police Chief Malone, who will check the schedules and contact Sylvia Rowan.

5. RESOLUTION AND LOCAL LAWS

5A. On a motion by Trustee Weisser, seconded by Trustee Stoffolano and carried, **Resolution #14-24** was approved.

RESOLVED, that the Village Clerk-Treasurer is hereby authorized to amend the 2014-2015 General Fund Budget in the amount of \$70.38 representing the July 2014 proceeds from the Herkimer Museum.

A-510 Estimated Revenue	\$70.38	
		A-2705 Gifts & Donations
		\$70.38
A-960 Appropriations	\$70.38	
		A-6410-445 Museum
		\$70.38

5B. On Motion by Trustee Weisser, seconded by Trustee Stoffolano and carried, **Resolution #14-25** was approved.

RESOLVED that the Village Clerk-Treasurer is hereby authorized to increase the 2014-15 General Fund Budget in the amount of \$200.00 representing money received from the Village of Herkimer for Herkimer NOW.

A-510 Estimated Revenue	\$200.00	
		A-2705 Gifts & Donations
		\$200.00
A-960 Appropriations	\$200.00	
		A-6410-443 Herkimer NOW
		\$200.00

5C. On Motion by Trustee Weisser, seconded by Trustee Malta and carried, **Resolution #14-26** was approved.

RESOLVED that the Village Clerk-Treasurer is hereby authorized to increase the 2014-15 General Fund Budget in the amount of \$4,756.76 representing funds received from the Herkimer County HealthNet for the Playground Grant for Harmon Field.

A-510 Estimated Revenue	\$4,576.76	
		A-3389 State Grant
		\$4,576.76

A-960 Appropriations	\$4,576.76
A-7143 Recreation Equipment	\$4,576.76

5D. On Motion by Trustee Brown, seconded by Trustee Stoffolano and carried, **Resolution #14-27** was approved.

RESOLVED that the Village Clerk-Treasurer is hereby authorized to increase the 2014-15 General Fund Budget in the amount of \$100.00 representing money received from the Herkimer County Stop DWI for the Dare Program.

A-510 Estimated Revenue	\$100.00
A-2705 Gifts & Donations	\$100.00
A-960 Appropriations	\$100.00
A-3120-493 DARE Program	\$100.00

5E. On Motion by Trustee Stoffolano , seconded by Trustee Weisser and carried, **Resolution #14-28** was approved.

RESOLVED that the Village Clerk-Treasurer is hereby authorized to increase the 2014-15 General Fund Budget in the amount of \$1,030.00 representing money received from the DARE run and Mary Beth Napolitano.

A-510 Estimated Revenue	\$1,030.00
A-2705 Gifts & Donations	\$1,030.00
A-960 Appropriations	\$1,030.00
A-3120-493 DARE Program	\$1,030.00

5F. On a motion by Trustee Weisser, seconded by Trustee Stoffolano and carried, to approve the General Fund Transfer #7303 in the amount of \$200.00.

6. REPORTS

6A. On a motion by Trustee Weisser, seconded by Trustee Malta and carried, the **Village Justice Court Report** (Manne) for July 2014 was placed on file.

6B. On a motion by Trustee Weisser, seconded by Trustee Malta and carried, the **Village Justice Court Report** (Petucci) for July 2014 was placed on file.

7. OLD BUSINESS

7A. Attorney's Report – Attorney Macri reported on the following:

1. Handled various codes violations, traffic matters and ordinance violations for the village, as Village Prosecutor in Village Justice Court.
2. Meetings with codes on Glory Days.
3. Glory Days
4. Herkimer Library
5. Personnel
6. Prepared Satisfaction of Deferred loan agreement
7. Correspondence with Attorney Fiesinger regarding garbage bill levied against property. He asked to refer #3-Glory Days to **executive session**. On a motion by Trustee Weisser, seconded by Trustee Malta and carried, to refer Glory Days to **executive session**.

7B. Verizon Telephone - Clerk Amanda Viscomi wanted direction from the board on how to handle the overage charges on cell phones. Some are paying and some are not. Would the board like to look at this again, she asked. Mayor Brindisi asked that the board have a chance to review the bills and discuss with the departments involved.

7C. On a motion by Trustee Malta, seconded by Trustee Weisser and carried, Communication **Herkimer County** was referred to **executive session**. Discussion followed. Helen rose and Robert Schrader, County Legislators representing the village, asked to be allowed in for the discussion, which pertained to the proposed county Jail Litigation. The Mayor had agreed to meet with Mr. Bono, Chairman and the committee on the jail. Mr. Bono said they were not allowed to have any other representatives in on the discussion, so it was cancelled.

7D. On a motion by Trustee Stoffolano, seconded by Trustee Brown and carried, to approve the Village paying 1/3 of the cost or \$1,600.00 towards **Russell Scherer's' Driveway Invoice**.

8. NEW BUSINESS

8A. On a motion by Trustee Weisser, seconded by Trustee Stoffolano and carried, to approve the extended **Simmons Contract**, at a cost of an extra \$20,000.00. Trustee Brown voted NO because the village had to backtrack and correct PW's already submitted.

8B. The **North and South Washington Street Enhancement Agreement** was referred to Attorney Macri for review.

8C. The **Catholic Charities Annual Window of Hope Award Luncheon** was placed on file.

8D. On a motion by Trustee Brown, seconded by Trustee Stoffolano and carried, to approve the **Street Department request for Shamrock to clean roots in the pipes on South Bellinger Street**, at a cost of \$1,600.00.

8E. #1 On a motion by Trustee Malta, seconded by Trustee Brown and carried, to approve e the request from Chief Malone to sponsor a **BOCES Regional Program for Excellence student intern**.

#2 On a motion by Trustee Malta, seconded by Trustee Brown and carried, to refer **Police Personnel** to **executive session**.

8F. #1 The request from Fire Chief John Spanfelner to send Deputy Chief Stefano Napolitano to **First Line Supervisor Training** 11/5-12/10/14 was approved on a motion by Trustee Stoffolano, seconded by Trustee Weisser and carried.

#2 the request to send Firefighter Brian Reile for the **Instructor Authorization Conference** in Montour Falls 10/11-10/17/14 was approved on a motion by Trustee Stoffolano, seconded by Trustee Weisser and carried. The cost is \$50.00 a day plus travel.

#3 The request to send Firefighters Michael Edwards, Stefano Napolitano and Ryan Perkins to the Fire Academy 10/21-10/24/14 for the **Fire Marshall's Seminar** was approved on a motion by Trustee Brown, seconded by Trustee Stoffolano and carried. The cost is \$165.00 per man for registration, material and lodging.

#4 The request to send Firefighter Ted Hilts to the **Herkimer County Domestic Violence Conference** on October 29, 2014 was approved on a motion by Trustee Stoffolano, seconded by Trustee Malta and carried.

#5 The request to send 3 or 4 firefighters to attend a **NYS** course on **Structural Collapse** 9/23/9/25/14 and 10/21-10/22/14 was approved on a motion by Trustee Brown, seconded by Trustee Stoffolano and carried. The Chief said there could be significant overtime for this course.

On a motion by Trustee Malta, seconded by Trustee Brown and carried, to refer **Fire Personnel** to **executive session**.

8G. On a motion by Trustee Malta, seconded by Trustee Brown and carried, to refer **Office Personnel** to **executive session**.

8H. On a motion by Trustee Brown, seconded by Trustee Weisser and carried, to approve authorization to apply for **Federal Aid Highway Emergency Relief Program**.

On a motion by Trustee Stoffolano, seconded by Trustee Malta and carried, to adjourn to **executive session** at 7:45 PM to discuss **7A, 7C, 8E, 8F and 8G**.

The **Regular Meeting** was re-opened at 9:40 PM on a motion by Trustee Weisser, seconded by Trustee Brown and carried.

7A. On a motion by Trustee Weisser, seconded by Trustee Malta and carried, to hire John Orillio to assist with the **Glory Days Building** demolition process at a rate of \$125.00 an hour, as recommended by Attorney Macri.

7C. No action was taken on **Herkimer County Communication**.

8E. On a motion by Trustee Malta, seconded by Trustee Brown and carried, to add 8 hours OverTime Friday and Saturday nights for 3 weeks in the **Police Department**. Chief Malone will report back to the Board.

8F. On a Motion by Trustee Brown, seconded by Trustee Weisser and carried, to settle the grievance with the **Fire Department** by paying time and one half to the employee called back on his Kelly Day (pass day).

8G. On a motion by Trustee Stoffolano, seconded by Trustee Weisser and carried, to pay **Karen Harrigan** the same rate as when she was fulltime, as recommended by the Clerk-Treasurer.

On a motion by Trustee Stoffolano, seconded by Trustee Weisser and carried, the **Shelter Planning Audit** was approved in the amount of \$3,639.50.

The **Regular Meeting** was adjourned at 10:40 PM on a motion by Trustee Stoffolano, seconded by Trustee Weisser and carried.

Next **Regular Meeting** is Monday, September 22, 2014.

Respectfully submitted,

Amanda Viscomi
Acting Clerk Treasurer