

**A PUBLIC HEARING WAS HELD ON JUNE 26, 2019 AT 6:00 P.M. IN THE TOWN HALL, 201 THIRD AVE, FRANKFORT, NEW YORK TO ADDRESS LOCAL LAW NO. 1, 2019, A LOCAL LAW EXTENDING THE TERM OF THE TOWN SUPERVISOR. THE REGULAR MEETING IMMEDIATELY FOLLOWED.**

Present: Glenn D. Asnoe, Supervisor  
Darlene Abbatecola, Councilwoman  
Joseph Tamburro, Councilman  
Michael Testa, Councilman  
John Wallace, Councilman  
Stg., Matthew Palumbo, Police OIC

Absent: Ronald A. Testa, Highway Superintendent (vacation)

**PUBLIC HEARING—LOCAL LAW NO. 1, 2019**

Supervisor Asnoe opened the Public Hearing at 6:00 PM. Town Clerk read legal notice published in both newspapers of the Town. There were no Public Comments.

**MOTION** made by Supervisor Asnoe to close the Public Hearing. Second by Councilman Wallace. Upon roll call; All in favor. Public Hearing Closed at 6:02 PM.

Supervisor Asnoe opened the regular meeting at 6:02 P.M. with the Pledge of Allegiance.

**PUBLIC COMMENTS**

**ZBA VARIANCE REQUEST—ANTHONY BALIO**

Robert Drummond, Zoning Board Chairman, referenced an email sent to the board relative to a variance request from Anthony Balio, and asked the Town Board what direction they want the ZBA to proceed. Supervisor Asnoe stated that he referred the matter to the Zoning/Codes Committee to review and submit recommendations to the town board (Councilwoman Abbatecola withdrew from this matter due to conflict of interest; Councilman Wallace volunteered to assist on the Committee along with Councilman Tamburro). Mr. Drummond stated that he met with CEO Mishele Spaman today. He further stated that there were 2 residents present at the public hearing that had no issues, and one resident that was less than half mile away that had problems with the noise. Councilman Tamburro stated he contacted Association of Towns and the Town could change the zoning or issue a spot zone; and he recommends referring the matter to the Town attorney. Councilman Testa stated that the Town should not spot zone. Councilman Wallace recommended issuing a Special Use Permit that would allow the Town flexibility to dictate hours of operation.

Mike Daley, representing Anthony Balio along with Attorney Michael Castle, referenced another case in the Town whereby the applicant was denied a variance, sued the Town, and received a variance based on the law suit. He further stated that Mr. Balio has been running the business, has 20 employees working for him, and only wants to do the right thing and be in compliance. Mr. Daley gave an overview of what has transpired at the site over the last 20 years.

Supervisor Asnoe recommended the Committee review all the information on this matter and issue a recommendation to the town board.

**TABLED**

Public Comments Closed at 6:15 PM.

**MOTION** made by Supervisor Asnoe that the town board enter into Executive Session to discuss personnel and contracts with Village of Frankfort Mayor Rick Adams. Second by Councilman Wallace. Upon roll call; All in favor. 6:15 PM

**MOTION** made by Supervisor Asnoe to come out of Executive Session and resume the regular meeting. Second by Councilman Tamburro. Upon roll call; All in favor. 6:35 PM

**NO. 133 APPROVE MEETING MINUTES**

**MOTION** made by Councilman Testa that the town board resolves to approve the meeting minutes of May 22, 2019.

Second by Councilwoman Abbatecola. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

**OAKVIEW CEMETERY**

Supervisor Asnoe questioned the fence the current owner is erecting around the prior Balloon Farm next to the Cemetery. Councilwoman Abbatecola assured him that the fence was not on Cemetery property. Cemetery property recently surveyed with property boundary markers.

### **COMMITTEE REPORTS / DEPARTMENT REPORTS**

Town Police and Town Clerk monthly reports submitted and reviewed. Sgt. Matthew Palumbo reported that he wants to purchase (4) Glock model 22 40 cal. pistols and holsters to be assigned to full time officers. He also wants to sell the 308 rifle and scope to the Gun Barn for \$850 to offset the cost of the pistols.

#### **NO. 134 APPROVE SALE OF 308 RIFLE & SCOPE**

**MOTION** made by Councilman Wallace that the town board resolves to authorize Sgt. Palumbo to sell the 308 rifle with scope to the Gun Barn for \$850. Second by Councilman Tamburro. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

#### **NO. 135 APPROVE APPOINTMENT OF PART-TIME POLICE OFFICER**

**MOTION** made by Supervisor Asnoe that the town board resolves, per recommendation from Sgt. Matthew Palumbo, to appoint Jacob Grose as a part-time police officer at the rate of \$16.33 per hour, no benefits, effective immediately. Second by Councilman Wallace. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

#### **NO. 136 APPROVE APPOINTMENT OF PART-TIME POLICE OFFICER**

**MOTION** made by Supervisor Asnoe that the town board resolves, per recommendation from Sgt. Matthew Palumbo, to appoint Brett Brewer as a part-time police officer at the rate of \$16.33 per hour, no benefits, effective immediately. Second by Councilman Wallace. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

### **FINANCIAL REPORTS**

Supervisor Asnoe submitted and reviewed bank balances for the month, cashed 10 shares of stock from Brighthouse Financial for \$341.40, and still working on the audit. Received email from Fiscal Advisors relative to the 2 bonds for Worker's Comp and Highway Garage. A statement was added to the report reflecting that per NYS Comptroller, the 2013-2016 reports have not been completed and will not be completed, and previous bookkeeping issues have been resolved and annual financial reports will be available each year moving forward.

#### **NO. 137 APPROVE TOWN POLICY FOR CLAIM REIMBURSEMENTS**

**MOTION** made by Supervisor Asnoe that the town board resolves that the deadline to submit claim for reimbursements is thirty (30) days from the date of event. Second by Councilman Wallace. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

### **WEST FRANKFORT WATER—LOWER DISTRICT**

Councilman Wallace reported that he spoke with Mickey Lehman (BCA Engineers) and he's looking to start the grant process for the lower district. He submitted a proposal for 4 funding sources at the cost of \$1,000 each.

#### **NO. 138 APPROVE AMENDMENT NO. 3 FROM BCA ENGINEERS & ARCHITECTS**

**MOTION** made by Councilman Wallace that the town board resolves to approve Amendment No. 3 from BCA Engineers & Architects for Center and Zolad Roads District (Lower District) which includes completion of various funding and environmental reports, with cost not to exceed \$4,000 and authorize the supervisor to execute the contract. Second by Councilwoman Abbatecola. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

### **OLD TOWN HALL—STATUS**

**TABLED**

### **NEW TOWN HALL—SECURITY, AIR TEMP PROPOSAL, BOILER**

Supervisor Asnoe reported that he has another source he's looking into for the security of the building; Central Security has not responded to date. He further stated that he referred the boiler situation to the Land & Building Committee (Abbatecola & Wallace) and asked them to consider that if the boiler needs replacing to have it balanced between the heating and air conditioning systems.

**TABLED**

### **SUMMER ENTERTAINMENT**

Councilman Wallace reported that the signs to place around town are complete and will have them erected soon. **TABLED**

### **HERKIMER CO. COMMUNITY DEVELOPMENT INITIATIVE**

Supervisor Asnoe explained that the board adopted a resolution on April 10<sup>th</sup> to contribute \$1,000 towards the cost of the request for proposals for the Herkimer County Community Development Initiative. They would like the town to submit a formal resolution. He further reported that he was put on the steering committee to review the companies submitting the proposals for the plan.

**NO. 139 APPROVE CONTRIBUTION TO HC COMMUNITY DEVELOPMENT INITIATIVE**

**MOTION** made by Supervisor Asnoe that the town board resolves to approve contribution to the Herkimer County Community Development Initiative, attached and read. Second by Council Members Testa and Wallace. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

**NO. 140 APPROVE LOCAL LAW NO. 1, 2019**

**MOTION** made by Councilman Testa that the town board resolves to approve Local Law No. 1, 2019, a local law to extend the term of office for the Town Supervisor from two (2) years to four (4) years, attached and read. Second by Councilman Wallace. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

**NO. 141 APPROVE PROBATIONARY PAY INCREASE—HIGHWAY DEPARTMENT**

**MOTION** made by Supervisor Asnoe that the town board resolves, per recommendation from Hwy Supt. Testa, to approve probationary pay increase to John Weir from \$20 to \$20.25 per hour; \$30.38/hour overtime premium, effective July 1, 2019. Second by Councilman Testa. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

**NO. 142 APPROVE NEW HIRE—HIGHWAY DEPARTMENT**

**MOTION** made by Councilman Wallace that the town board resolves, per recommendation from Hwy Supt. Testa, to approve new hire in the Highway Department, Cole Olivadoti, temporary laborer at \$15 per hour, no benefits, effective May 30, 2019. Second by Councilman Tamburro. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

**NO. 143 APPROVE ATTENDANTS FOR SUMMER RECREATION PROGRAM**

**MOTION** made by Supervisor Asnoe that the town board resolves to approve the attached list of attendants for the Summer Recreation Program under the Director RoseAnn Gatto. Second by Councilwoman Abbatecola. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

**NO. 144 APPROVE SALARIES FOR SUMMER RECREATION PROGRAM**

**MOTION** made by Councilwoman Abbatecola that the town board resolves to adopt the following salaries for the Summer Recreation Program. Three (3) Sr. Attendants at \$7.50 per hour; Fourteen (14) Attendants at \$6.50 per hour. Second by Supervisor Asnoe. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

**NO. 145 APPROVE JUNK YARD LICENSE RENEWALS**

**MOTION** made by Councilman Testa that the town board resolves to renew the following Junkyard Licenses, per recommendation dated 6/25/2019 from Codes Enforcement Officer Mishele Spaman and inspection by Joseph LaBarbera under Section 49-6 Operating a Junkyard: Givo's Auto Parts & Sales located at 2295 Broad Street, and R&S Auto Parts located at 2211 Broad Street, Sims Metal Management located at 167 W River Road. Second by Councilman Wallace. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

**NO. 146 APPROVE REQUEST FROM FRANKFORT HILL CEMETERY ASSOCIATION**

**MOTION** made by Supervisor Asnoe that the town board resolves to approve contribution of \$1,000 to the Frankfort Hill Cemetery Association to assist with the grounds keeping and maintenance of the Cemetery. It is also noted that they are a not-for-profit organization. Second by Councilwoman Abbatecola. Upon roll call; All in favor. Vote was 5-0 **APPROVED**

**NO. 147 APPROVE REQUEST FROM NYSDEC FOR LEAD AGENCY STATUS—Leitz Trucking Corp.**

**MOTION** made by Supervisor Asnoe that the town board resolves that the Town of Frankfort has no objection to the NYS Department of Environmental Conservation taking lead agency status for Leitz Trucking Corp./ Leitz Gravel Bed, and authorize the supervisor to execute the same. Second by Councilman Wallace. Upon roll call; All in favor. Vote was 5-0

**APPROVED**

**HERKIMER COUNTY PERSONNEL—COURT ATTENDANTS**

Supervisor Asnoe reported that Civil Service Commissioner Steve Billings informed him that he advised the Town with wrong information relative to the court attendants. It is a non-competitive class only for county government. He is currently petitioning the NYS Civil Service Commission to make it non-competitive for the Town.

**TABLED**

**NYS RETIREMENT SYSTEM**

Supervisor Asnoe reported that the NYS Employee Retirement System closed the audit for recording purposes. Relative to the one employee who is still not in the system, they advised to report the individual as "forced in". Supervisor Asnoe informed them that the information was already sent and he's waiting for them to reply. **TABLED**

**REQUEST TO PURCHASE LAND—GULF ROAD**

Supervisor Asnoe referenced email sent to the board regarding request from Jared Propell, 414 Gulf Road, requesting to purchase land the Town owns. Matter referred to Land & Building Committee (Abbatecola & Wallace). **TABLED**

**SOLAR FARMS / BATTERY ENERGY STORAGE**

Matter referred to Planning, Zoning, Codes Committee (Abbatecola & Tamburro). **TABLED**

**NO. 148 APPROVE DISCONTINUATION OF SERVICES WITH CINTAS (Medical Supplies)**

**MOTION** made by Councilman Wallace that the town board resolves to discontinue services with Cintas for the medical supplies for the Town Hall and Highway Department. Second by Supervisor Asnoe. Upon roll call; All in favor. Vote was 5-0 **APPROVED**

Supervisor Asnoe reported that the Herkimer County Youth Program begins next week and they will help in the process of moving the boxes in the basement to the upper level for shredding.

**ABSTRACT OF AUDITED VOUCHERS—ABSTRACT 6**

**NO. 149** **MOTION** made by Supervisor Asnoe to approve General Abstract #6—Claim No. 211-284E, Total \$300,619.16. Second by Councilman Testa. Upon roll call; All in favor. Vote was 5-0 **APPROVED**

**NO. 150** **MOTION** made by Supervisor Asnoe to approve TOV Abstract #6—Claim No. 72-92, Total \$19,515.88. Second by Councilman Testa. Upon roll call; All in favor. Vote was 5-0 **APPROVED**

**NO. 151** **MOTION** made by Supervisor Asnoe to approve Highway Abstract #6—Claim No. 100-124B, Total \$30,614.05. Second by Councilwoman Abbatecola. Upon roll call; All in favor. Vote was 5-0 **APPROVED**

**NO. 152** **MOTION** made by Supervisor Asnoe to approve Highway TOV Abstract #4—Claim No. 5-8, Total \$5,238.88. Second by Councilman Testa. Upon roll call; All in favor. Vote was 5-0 **APPROVED**

**NO. 153** **MOTION** made by Supervisor Asnoe to approve Special District Abstract #6—Claim No. 43-57, Total \$7,161.40. Second by Councilwoman Abbatecola. Upon roll call; All in favor. Vote was 5-0 **APPROVED**

**MOTION** made by Supervisor Asnoe to adjourn. Second by Councilman Wallace. Upon roll call; All in favor. Meeting adjourned at 7:40 PM.

Respectfully submitted,  
Georgina Bellino, Town Clerk

**NEXT MEETING: Wednesday, July 24<sup>th</sup> at 6:00 PM.**