

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, July 20, 2026, at 6:00PM at the Herkimer Town Hall located at 114 N. Prospect Street, Herkimer, NY 13350

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Deputy Supervisor-----Daniel Stalteri
Councilman-----Vito Carbone
Councilman-----Randy Kast
Councilwoman-----Kathleen DeCarlo
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray
Codes Enforcer-----Ken Collis

Excused:

Deputy Attorney-----Joseph Macri
Dog Control Officer-----Erica Dutton
Public Relations Consultant--Shannon Costello
Town Park Supervisor-----Kathi Nasypany

03) **Pledge of Allegiance to the Flag**

Councilman Kast led us in the Pledge of Allegiance to the Flag.

04) **Reading of the Minutes.**

Motion by Councilwoman DeCarlo, seconded by Deputy Supervisor Stalteri, to accept and place on file the minutes of the previous regular meeting held on July 6, 2026 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.

Steve Smith, with HCCC Solar Project LLC, addressed the board about the Solar Panel Farm at 164 Shells Bush Rd. He stated that he was acquiring about projects from a couple of previous developers and that the project is in an open public comment period. He stated that he understands the landscape plan is not approved. They are aware that it does not meet that approved plan after a meeting in the afternoon. He stated that there is a problem with the Storm Water Pollution plan. It says the large trees should be 50-60 feet apart, but the plan is for 10-15 feet apart. Steve Smith stated that they were designed to shield the neighbors from the view of the solar panels. The large trees that were planted are not doing that. He stated that they want to come back with a new proposal to supplement what they already have. He stated that they are talking about interspersing different trees to provide more of a block on Shells Bush Rd. He stated that they want to see what they can do but does not approve what is planned. They are still waiting for the occupancy permit. Deputy Supervisor Stalteri asked if the project will benefit HCCC and the Village of Herkimer directly. He stated that they will come back with different landscape plans and a presentation. He stated that they can't tell what was the final approved plan. Steve Smith stated that they will come back with revisions and a new proposal and plans. Deputy Supervisor Stalteri stated that they are not getting what they need, and that maybe they should revisit so they can determine what achieves the goals they have. Supervisor Frank stated that on East German Street Extension, that it has been discussed that the Solar Panels are still in their line of sight and that a shield is needed on the other side as well. Steve Smith stated that they will look and come back in a few weeks to try to make it right. Deputy Supervisor Frank stated that there are benefits for it, and that it was promised to shield the view from neighbors. He stated that if we can achieve a shield for the neighbors it will work for him. Councilman Kast asked if the plan was to plant 50-60 ft trees to make a screen. Deputy Supervisor Stalteri stated that maybe they can do a zoom presentation so they do not have to drive back again from Boston. Supervisor Frank asked where they were in terms of plan and bonding. Steve Smith's associate Mikolaj Jablonski stated that they do have a bond and can access the documents if the Town requires them. Supervisor Frank stated that they

would take the documents so they have the latest official plans. Steve Smith stated that they would be back in a few weeks with a new plan. Supervisor Frank stated to send the new plans to Kenny.

Supervisor Frank stated that if anyone else from the Town would like to address the board to state their name and address.

Terri Buckley, a resident at 273 Eatonville Rd, addressed the board about being notified that at the last meeting it was discussed that they have a huge campground on Eatonville. She stated that they were told today about the decision that was made at the last meeting. She stated that they were turned into Codes Enforcer Collis that apparently they will occupy 12 people. On page three she stated it lists one RV that sleeps 6- 8 people lawfully. She stated that there are two RV's in her yard. One of them is their personal RV and no one uses it but us. They take it off their property when they go camping. On the Brochure there are two pictures of RV's. One of them is a daytime picture and one is at night with lights around it. Terri Buckley stated that the one camper sleeps 6-8 people. She also stated that they are being harassed on social media. People are taking photos and videos of their home on Facebook by the neighbors. There is a dog that is very friendly and does not bother anyone. She stated that since the July 6, 2026 meeting they have received a letter from the Health Department that they are not a campground. Codes Enforcer Collis came and asked them questions. Terri stated that there are no outdoor showers. There is a porta potty. She stated that she takes care of kids and they use it when they are using the pool. She stated that she does not have anyone going in and out of her home. Codes Enforcer Collis went out and went into the RV. Terri Buckley stated that there are no hidden sights out back, no water to the big RV as it is winterized. Don Buckley, her husband asked who investigates from the health department. Supervisor Frank stated that they a staff team. They have someone in East Herkimer who investigates. Terri Buckley stated that the attorney stated they were closed down because she listed 12 people on her application. Terri also stated that 12 people will not fit in that trailer. She said that her Airbnb listing has two trailers on it, but it only has one. It talks about Hipa camp, but that it is a whole different thing. That site is for one tent for people who are driving through town and need a spot to stop before heading to their next stop. It has nothing to offer. Don Buckley asked what is the grounds for being shut down when the health department said it is fine, and Codes Enforcer Collis said everything was good. Attorney Bray stated that there are a couple of local laws that they are balancing as they are trying to make a decision on their permit. One of them is the Hotel Motel Licensure law which you have a copy of. The underlining law though is the Zoning Ordinance law. Supervisor Frank stated it was last updated in 1992. Attorney Bray stated that they are zoned residential on Eatonville Rd. They are allowed certain things but not everything. A hotel is defined as 10 beds or more. A hotel sleeps 10 or more. The biggest issue is how many people you can sleep, and the brochure says 8-10. The website says two rooms, eight beds. You would be considered a hotel if you sleep 10, and you can't have a hotel in a residential zone. Attorney Bray stated that they count sleeping space, and that you can only have a hotel in a commercial zone. Terri Buckley stated that there are mistakes. Attorney Bray stated that it does matter. As for the basis on their denial of their permit, is that they are considered a hotel in their zoning ordinance. The options are to go to the zoning board and request a variance or a special use permit. Terri Buckley asked if they went out a bought a new RV. Attorney Bray stated that they would then reapply. Terri Buckley stated that she has 11 dogs. Attorney Bray stated that if you have 11 dogs that you need to have a special permit. Anything over 3 you need a special permit. We have 11 dogs making noise. The neighbors never take care of things and nobody complains. Attorney Bray stated that he did not know anyone involved, all he does is look at what he is given and tells what he sees. He stated that we can change the zoning ordinance, but it is a huge process. Terri Buckley asked about getting a smaller RV. Attorney Bray stated they could and then reapply. Don Buckley stated that they can have their own RV that is for personal use. Attorney Bray stated that they can have up to 3 vehicles in their yard as long as they are registered. Codes Enforcer Collis stated that you cannot have a business out of your home and that was a business. Terri Buckley showed Attorney pray posts that have been made, photos and videos recorded and posted on Facebook. Attorney Bray stated that he understands and that it would have to be police involvement. He also stated that he does not know anyone that is involved, he just states what he sees. Supervisor Frank stated if anyone else would like to address the board to state your name and address.

Steve Trevor, a resident at 276 Eatonville Rd, addressed the board about being there for a follow up on the Campground and RV at 273 Eatonville. He stated that the RV is 50 feet from the road in the front of the property. He stated that somewhere he had heard or seen something about a town ordinance where they have to park more on the side than in the front. Attorney Bray stated that if he has a camper he can park it wherever he wants. Steve Trevor stated that if you drive around Herkimer not one person has their RV parked out front. Supervisor Frank stated that he will look into it. Attorney Bray stated that the law to look into is the Property Maintenance law. Steve Trevor stated that he would like a copy of what was discussed in the public meeting. Supervisor Frank stated that they will send him a copy of the minutes. Steve Trevor stated that a few months back a fire caused traffic to be diverted up his road. He stated that the bridge is tripped from the tractor trailers and other vehicles that were diverted up Eatonville rd. Large rocks were knocked down. He stated that the culvert is holding the bridge up. It has been there for a long time. When it was widened it helped, but it still washes him out every year. Steven wanted to know if the town was aware of it. Supervisor Frank stated that the town would look into it. Steve Trevor stated that he wanted an update on Dew Drop. He stated that he is strongly against the campground and a lot of his neighbors are in agreement with him. Supervisor Frank stated that we will send him a copy of the minutes, and check the property maintenance law and speak to Ken about the bridge.

Motion by Councilman Kast, seconded by Councilwoman DeCarlo to close the public meeting.

CARRIED AYES ALL

06) Petitions and Communications.

Motion by Deputy Supervisor Stalteri, seconded by Councilman Kast, to accept and place on file all the petition and communication A through D listed below.

- A. A letter date July 7, 2026 from Kindra Hill-Butler regarding an invitation to a Fundraiser in Honor of Purple Heart Day on August 8th.
- B. A letter dated July 8, 2026 from National Grid regarding the termination of services supplied to A&Z Motel Corporation due to overdue bills.
- C. A letter dated July 13, 2026 from National Grid regarding the termination of Services supplied to A&Z Motel Corporation due to overdue bills.
- D. Support letters for Comprehensive Planning Grant:
 - a. A letter dated July 9,2026 from Herkimer County IDA's Chief Executive Officer John Piseck.
 - b. A letter dated July 9,2026 from Mark. C Walczyk from New York State Senate.
 - c. A letter dated July 9, 2026 from Robert J. Smullen from The Assembly State of New York.
 - d. A letter dated July 13, 2026 from President Lisa M. Betrus of Valley Health and Residential Services.
 - e. A letter dated July 9, 2026 from Superintendent Kathleen Carney of Herkimer Central School District.
 - f. A letter dated July 9, 2026 from District Superintendent D.J. Shepardson.
 - g. A letter dated July 8, 2026 from Herkimer County Legislature Peter J. Campione.

Supervisor Frank stated that item A might have been sent to the Town in error. He stated that he was not sure if they were supposed to get that letter. It was addressed to the Military order but sent to 114 N. Prospect St. He stated that he suggests Deputy Clerk Beach write a letter stating that we are the Town of Herkimer and not the Military Order and wish them luck. The other board members were in agreement.

Supervisor Frank stated that item D was various letters they have received in support for their comprehensive planning grant. He stated that the plan was due on the 30th of this July.

CARRIED AYES ALL

07) Routing.

08) Resolutions.

09) Old Business.

Water Districts: Highway Superintendent Ward stated that there was nothing new to report. He stated that at some time around the 29th they would be reading the water meters. Supervisor Frank stated that this would generate and invoice and within the invoice will be a letter notifying the residents that the water rates are going up.

McKenna Road Enhancement Project: Supervisor Frank stated that Deputy Supervisor Stalteri sat down with the consultant and the Environmental Facility Core to discuss their status of the grant. Deputy Supervisor Stalteri stated that they are trying to get an extension. He had a meeting to see if they could get an extension as the last bid was over budget. He is trying to see if they can get more time to get more funding and apply for more grants. Deputy Supervisor Stalteri stated they are looking at grants through CBDG but did not qualify. He suggests doing the application for an extension in for review in September as it goes through several committees in order to change the date to 2027 or if we have to resubmit the application. He stated that they seemed understanding. Supervisor Frank stated that they will look for more funding. In January there will be a round for spending and we can put in an application. Supervisor Frank stated that he will explore state sources, and that they could always apply to Northern Borders who has a round in the fall. He stated that they were billed \$300,000 fee, which was paid by the grant. He stated that he sent the memo out in the last few weeks to Prime Engineering fees. He stated that if we relinquish the fees, the Town is on the hook for the \$300,000. Deputy Supervisor Stalteri stated that he feels hopeful that they will give the extension knowing that we are trying to get more funding.

West Herkimer Water: Supervisor Frank stated that things are moving slowly. The entities are still in conversation meaning Ilion and Herkimer.

East Herkimer Sewer District: Supervisor Frank stated that last week he was in a webinar and has another this week. He stated that they reviewed the contract that was submitted. He stated that they need to get a contract in place with Mohawk Valley. The next step is the notice to proceed. Supervisor Frank stated if they need another review, we have the webinar to tell us what we need. He stated that he is working with them and will ask questions about engineering. He stated that originally they were crossing Beaver Creek. If we need approval, we have it tied in with the DEC permit. The Army core has expired. He stated that he is reluctant to restart with them if they change anything. Once the hurdles with the EFC clear, we will resubmit our application for the Army Core.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated that they have submitted Homeland Security and FEMA applications for the project. There is nothing new to report.

Codes: Codes Enforcer Collis stated that the troopers were up at Glen Ridge. They were looking for a guy living there. He stated that he patrols daily and has not seen anyone. There were bikes on the side of the building. Codes Enforcer Collis stated that he just received the plans today to discuss the plans to refurbish Glen Ridge. He asked if they could get CT Male to look over things. Supervisor Frank stated that they can reach out and ask CT Male if they could do it for a fee. Codes Enforcer Collis stated that Glen Ridge would be responsible for the fee, and that the plans are not up to code. He stated that maybe they could deny the permit or change zoning code. Supervisor Frank asked if we need an architect, and that they would probably need a third party. Codes Enforcer Collis stated that he was going to look over the plans first. Deputy Supervisor Stalteri stated that March Associates could help out. Codes Enforcer Collis stated that there were noise problems with ELG from Mrs. Seiko. He stated that he was going to meet with the neighbor tomorrow and read the decibels coming from ELG. Deputy Supervisor Stalteri stated that the noise issues come and go. Codes Enforcer Collis stated that ELG has elbows that are directed right at her house, and that maybe they could turn them. Deputy Supervisor Stalteri said the noise gets loud and then you can't hear it. He stated that it is really loud on the other side of 160 Pine Grove Rd. He stated that she is worried that nothing will be done, but ELG is easy to work with. Councilman Carbone asked if they could have the guy at Glen Ridge board the doors, and windows as the troopers arrested a few people the other night. Codes Enforcer Collis stated that he has told him that he needs to lock up. Councilman Carbone stated that they the troopers go to the trailer park. Deputy Supervisor Stalteri stated that they should be notifying the landing. Codes Enforcer Collis stated that he never sees anyone but he will keep his eyes out. Deputy Supervisor stated that he does not see anyone either but they are quick.

Landbank: Nothing new to report. Deputy Supervisor Stalteri stated that the siding is up. He also stated that he noticed three pods there so they do not have to pay rental fee since they are on site. He stated that it is time to have another update with Tolga.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank asked about electric. Deputy Supervisor Stalteri stated that there was a new meter, and that he went and turned the lights on and off. He stated that Brian said there was no electric where he needed. He stated that Randy is going to go up and look. Maybe a breaker popped. Deputy Supervisor Stalteri asked where they could go from there, and if they could do an extension cord so they can have the security cameras.

Town Park: Deputy Supervisor Stalteri stated that there is a new slab for dugouts at field 1, and that there is construction planned for the rest of them soon. Councilwoman DeCarlo stated that the Wellness fair went well. She is hoping for more people for the Community Days. Supervisor Frank stated that he thought it went well, and that the vendors seemed happy. The kickball event went well. Yoga did not go very well. The mom walk did not have many people. One of the recommendations was for more shade since the mats were hot. The basketball and pickle ball went well. Deputy Supervisor Stalteri stated that the vendors seemed happy and everything looked great but maybe they should consider a different name for the event. Councilwoman DeCarlo stated maybe Fitness Fun Day.

Councilman Carbone suggested picking a different weekend so it is not the same time as the Boilermaker. Supervisor Frank stated that they will change the name and stay away from Boilermaker weekend.

Updating Zoning Ordinance: Tabled

Signs entering Town: Tabled.

Friends of Town of Herkimer/Not for Profit: Tabled.

Arthur Street Attorney Bray stated that there is nothing new to report. He will reach out again. Deputy Supervisor asked if there was a time limit. Attorney Bray stated no and that he sent the appraisal and has not heard anything since July 1st.

Public Safety: Tabled.

Village Court: Supervisor Frank stated that there are purchase orders for the court. Since the last meetings the Court times have changed. Justice Manne is Tuesday afternoons, and Petucci is Wednesday nights. Deputy Supervisor Stalteri stated that the chairs have arrived for the seating. Councilman Carbone stated that there is a leak in the ceiling. Supervisor Frank asked how there was a leak. Councilman Kast asked if it was from the AC unit. Councilman Carbone said it is on the rug. Supervisor Frank stated that they will need to look at it. Councilman Kast stated that Burt Rice could look at it. Supervisor Frank stated that they have had issues before with drains getting clogged, and ac units that drip. The AC unit was put in by Shaw. He stated I think Burt has been up on roof. We will have to get someone up there. Deputy Supervisor Stalteri stated he heard about it when chairs were delivered. Might be the ac unit. Supervisor Frank stated to have Receiver of Taxes reach out to Dennis.

Osborne Hill Road Culvert and Shells Bush Road Bridge: Nothing new to report. Supervisor Frank stated that there is not much going on with the Bridge plans. He stated in the audit there is an invoice from CT Male for a little over \$13,000. When I was out we paid around \$5,000 out of \$18,000. The remainder is in the audit.

HCCC Decommissioning Bond: Supervisor Frank stated that they are going to send us the most updated decommissioning bond and agreement.

10) **New Business.**

- 100% Veteran's Disability

Supervisor Frank stated that currently we have a Veteran's Exemption of \$40,000 of their total property assessment. The Governor is putting into law a 100% Veteran's exemption. He stated that if their property assessment is \$100,000 they would pay zero and have no taxes. Supervisor Frank stated that they need to consider if they want to consider the 100% exemption. Supervisor Frank asked Assessor Maxwell for a number of people that would qualify in the Town of Herkimer. He stated that they have to opt into the 100% exemption or opt out. Supervisor Frank stated he will get the list from the Assessor to determine the number of households affected. Councilman Kast stated that it would affect everyone in the Town of Herkimer. Deputy Supervisor Stalteri stated that it was not a huge number, and asked what is the overall assessment. He stated that we are looking about the lose of revenue on 60%. Councilman Kast asked if we could in between 40%-100% or if they have to do the full 100%. Deputy Supervisor stated that he believes the 40% was up to the Town. Councilman Kast stated can we do 50%, 75% or 80%.

- Highway Employee Resignation

Deputy Supervisor Stalteri asked if the bridge talked about in the public meeting. Highway Superintendent Ward stated that it was not a bridge, it is a culvert and a few large rocks got knocked loose from the vibration from traffic.

11) Reports.

Motion by Deputy Supervisor Stalteri, seconded by Councilman Carbone to accept and place on file the June 2026 Town Clerk’s Monthly report from Clerk Moore.

CARRIED AYES ALL

Motion by Deputy Supervisor Stalteri, seconded by Councilman Carbone to accept and place on file the June 2026 Monthly Town Justice Reports from Justice Manne and Justice Petucci.

CARRIED AYES ALL

Motion by Deputy Supervisor Stalteri, seconded by Councilman Carbone to accept and place on file the Mckennan Road Enhancement Project Quarterly MWBE Report.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Deputy Supervisor Stalteri, to accept and place on file the May 2026 Dog Control Monthly Report from DCO Dutton.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the June 2026 Dog Control Monthly Report from DCO Dutton.

CARRIED AYES ALL

Motion by Deputy Supervisor Stalteri, seconded by Councilman Kast to accept and place on file the Emergency Orders dated July 11 and 17 of 2026 for East German Street Extension.

CARRIED AYES ALL

Motion by Deputy Supervisor Stalteri, seconded by Councilman Carbone to accept and place on file the Renewal State of Emergency Declaration dated July 17, 2026 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Deputy Supervisor Stalteri to accept and place on file the Emergency Orders dated July 7, 12, and 18 of 2026 for Oberle Road.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Renewal State of Emergency Declaration dated July 18, 2026 for Oberle Road.

CARRIED AYES ALL

Motion by Deputy Supervisor Stalteri, seconded by Councilman Kast to accept and place on file the Revenue and Expense Report dated July 20, 2026.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilwoman Carbone to accept and place on file the Trial Balance Report dated July 20, 2026.

CARRIED AYES ALL

Motion by Deputy Supervisor Stalteri, seconded by Councilman Kast to accept and place on file the May 2026 Bank Reconciliation report from Budget Office Baylor.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Deputy Supervisor Stalteri to accept and place on file the May 2026 Cash Report.

CARRIED AYES ALL

12) Audit and Purchase Orders.

Deputy Supervisor Stalteri is recused from the purchase orders.

- PO #8 of 2026 – File Drawers for Town Court

Motion by Councilman Carbone, seconded by Councilman Kast to approve and place on file the Purchase Order # 8 of 2026 for File Drawers for Town Court.

CARRIED AYES ALL

- PO #9 of 2026 – Desk for Chief Court Clerk

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to approve and place on file the purchase order # 9 of 2026 for Desk for Chief Court Clerk.

CARRIED AYES ALL

- PO #10 of 2026 – Chairs for Town Court

Motion by Councilman Carbone, seconded by Councilman Kast to approve and place on file the purchase order #10 of 2026 for Chairs for Town Court.

CARRIED AYES ALL

- PO #11 of 2026 – Shelving for Town Court

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to approve and place on file the purchase order #11 of 2026 for Shelving for Town Court.

CARRIED AYES ALL

- 284 Forms.

Supervisor Frank stated to Highway Superintendent Ward to talk through the 284 forms. Highway Superintendent Ward stated that there are two 284 forms. The first one is paid out of the DB Maintenance Fund. They are going to micro pave the surface of McKennan Rd and do a surface treatment. It is approximately 2 miles of road and will cost \$76,000. On the last page it shows that there is \$240,000 left in the account. Supervisor Frank stated that they budgeted maintenance.

Motion by Councilman Kast, seconded by Deputy Supervisor Stalteri to approve and place on file the 284 form for the micro paving on McKennan Road.

CARRIED AYES ALL

Highway Superintendent Ward stated the second 284 form is paid through the Road Construction fund to chip seal 6 miles of rd. this is for the East side of the West Canada Creek. It is for \$115,000. The last time the roads were done was three years ago and it was less than \$90,000. It would be through CHIPS.

Motion by Councilman Kast, seconded by Deputy Supervisor Stalteri to approve and place on file the 284 form for the CHIP seal of roads on the east side of the West Canada Creek.

CARRIED AYES ALL

Motion by Deputy Supervisor Stalteri, seconded by Councilwoman DeCarlo to approve and place on file the Audit dated July, 20 2026.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to enter executive session.

CARRIED AYES ALL

Motion by Deputy Supervisor Stalteri, seconded by Councilman Kast to adjourn from Executive Session and resume the Regular Meeting of the Town Board.

Supervisor Frank stated that there were no decisions made in Executive Session.

CARRIED AYES ALL

Motion by Deputy Supervisor Stalteri, seconded by Councilwoman DeCarlo to accept with regrets the resignation of Highway Employee Ted Borek effective July 30, 2026.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilwoman DeCarlo to approve a temporary seasonal laborer position for the Highway Department from July 21, 2026 through the beginning of the 2026-2027 school year.

CARRIED AYES ALL

13) Adjourn.

Motion by Councilwoman DeCarlo, seconded by Councilman Kast, that the Regular Meeting of the Herkimer Town Board be adjourned until the next Regular Meeting to be held on Monday, August 3, 2026 at 6:00PM.

CARRIED AYES ALL

Kristal M. Moore, Herkimer Town Clerk