

01) Supervisor Frank called to order the **Regular Meeting** of the Town Board of Herkimer held on Monday, February 2, 2026, at 6:00PM at the Herkimer Town Hall located at 114 North Prospect Street, Herkimer, New York 13350.

02) Roll Call of Officers

Present: Supervisor-----Dominic Frank
Councilman-----Vito Carbone
Councilman-----Daniel Stalteri
Councilman-----Randy Kast
Councilwoman-----Kathleen DeCarlo (Via Zoom)
Highway Supt.-----Ken Ward
Attorney-----Christopher Bray
Town Park Supervisor-----Kathi Nasypany
Codes Enforcer-----Ken Collis

Excused: Deputy Attorney-----Joseph Macri
Dog Control Officer-----Erica Dunton
Shannon Costello-----Public Relations Consultant

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 Councilman Carbone, seconded by Councilman Stalteri, to accept and place on file the minutes of the previous regular meeting held on January 19, 2025 as written.

CARRIED AYES ALL

05) **Public Meeting.**
Supervisor Frank stated if anyone from the public would like to speak to please state your name, address and why you are here. With no one in the public in attendance.

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

CARRIED AYES ALL

06) **Petitions and Communications.**
Motion by Councilman Stalteri, seconded by Councilman Kast, to accept and place on file all the petition and communication A through F listed below.

- A. Certificate of Liability Insurance dated January 12, 2026 for Astro turf Corporation.
- B. A letter dated January 19, 2026 from Supervisor Frank to Benjamin Rashaw regarding employment with the Town of Herkimer Highway Department.

Supervisor Frank stated letter B is a letter to Benjamin Bashaw regarding his employment with the Highway Department. Please let Mr. Bashaw that I apologize in his letter I wrote Rashaw as I could not read his handwriting.

- C. A letter dated January 21, 2026 from Supervisor Frank to Mayor Sherry regarding the East Herkimer Water District and Oberle Road
- D. A letter dated January 22, 2026 from Charter Communications regarding an upcoming change
- E. A letter dated January 23, 2026 from Supervisor Frank to Ms. Allison Madmoune, Regional Director of Empire State Development Corporation, regarding the East Herkimer Sewer District

Supervisor Frank stated letter B is a request made to Empire State Development for an extension, I have not heard anything back yet.

F. A letter from the Village of Herkimer Veterans Council thanking the Town of Herkimer for their annual contribution.

Supervisor Frank stated this is for the West Herkimer Water from the Mohawk Valley Water Authority regarding the situation they find themselves in. The Mayor of Ilion stated there should be a meeting to discuss this. I called Mr. Tangorra and he stated that it is up to the municipalities. The County has not been leading, the Villages are the ones who are interested, hopefully there will be a meeting held to discuss the status.

CARRIED AYES ALL

07) Routing.

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Herkimer County Industrial Development Agency L. W. Bills School Project Notice.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the NYS Legislative Commission on Rural Resources Winter Issue 2026

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Herkimer County Soil and Water Conversation District 2025 Annual Report.

CARRIED AYES ALL

Attorney Bray stated he has to leave early today and he wanted to report before he left that we were having trouble with Puresky Energy funding the Escrow Account for Wladis and C.T. Male. I sent a letter to Puresky. I sent to the CEO, lead council, NYSSTERA along with the contract. I sent it by email, Puresky said they are expediting the payment and they apologize for the miscommunication. Supervisor Frank stated once we receive the payment we can pay the consultants. Attorney Bray stated I will let C. T. Male and Wladis Law Firm know that payment is on the way.

08) Resolutions.

09) Old Business.

Water Districts: Highway Superintendent Ward stated we read meters and Jodi gave me three that are high today. I will check them out tomorrow.

Mckennan Road Enhancement Project: Supervisor Frank stated we do not have enough money, there is another grant we may be able to apply to. Rural Assistant Community Group, if we qualify we can apply for money and a grant. We have asked EFC for more money. The survey should begin this month, we will be canvassing by mail to residents and will be following up by going door to door.

West Herkimer Water: Supervisor Frank stated we are in limbo until a meeting is organized with the municipalities.

East Herkimer Sewer District: Supervisor Frank stated President Trump signed the bill that our project was in, they should be contacting us by the end of the month. We are waiting to hear back from WIIA regarding the 2.3 million awarded that we will be receiving soon. The consultant will want to see plans, approve them, and see bid documents. Northern Borders opened up in the spring for a round of funding and we will be applying again. We did a debrief with the Department of State and they were very helpful with what we should be putting in the application. The pre application for Northern Borders is due at the end of this month. We should have a shovel in the ground in 2027. We will need to create a budget for this project for 2027.

East German Street Extension Emergency Road Repair Project: Supervisor Frank stated we are waiting on paperwork to come back for the two grants we were awarded. There is still another grant out there for us to apply to.

Codes: Codes Enforcer Collis stated Cousins Main Lobsters is coming to Lowes, it is a mobile food truck and I believe their permit is in the meeting tonight. Someone is interested in the Lowe's Property, the front part of it. Do they need to do a subdivision? Attorney Bray stated the DEC is exempt from subdivision rules. Codes Enforcer Collis stated the East Herkimer Motel has been cleaned out, we are waiting on the engineer's report. They want to use the house as well. I got an email regarding a property on Route 28. They want to put in a microbrewery. It is marked agricultural, they want to build a house and a pull barn. I need to get a hold of him for more information. How do you want me to proceed with the microbrewery? Attorney Bray stated he will look into it. Councilman Kast stated we have one on Smith Road. Codes Enforcer Collis stated they will need to go through permitting. Highway Superintendent Ward stated the Village water lines runs through that property, I believe behind the house.

Landbank: Deputy Supervisor Stalteri stated nothing new to report.

Subdivision Local Law: Tabled.

160 Pine Grove Road: Supervisor Frank stated we have to do a SEQR and a site plan for DASNy. I sent an email to the community foundation. They said they would set up a meeting in January and they never did, I will try to set one up in February. We have a lot of local support.

Town Park: Supervisor Frank stated we have a grant due a week from today. We are looking to add sidewalks, enhance the bathrooms, add a botchy court, and make an all-purpose field. Deputy Supervisor Stalteri stated we would add to the existing lights around the park, see if we can add to the poles, and a new roof for the pavilion. We would like to allow handicap accessibility throughout the park. We added a couple drone pictures, which made the project come to life. Supervisor Frank stated we received ten letters of support and we are expecting two more. Town Park Supervisor Naspany stated we have two dates set for our town park events. The Wellness Fair will be July 11th from 9:00 AM to 1:00 PM with a rain date of July 12th. The Community Days will be August 2nd with a rain date of August 3rd. We will have vendors and we are working on the event.

Updating Zoning Ordinance: Tabled.

Signs entering Town: Tabled.

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

Public Safety: Councilman Carbone stated that there is nothing new to report.

Ampion Community Solar Agreement: Tabled.

Veterans Banners: Highway Superintendent Ward stated there is nothing new to report.

LED Street Light Conversion: Highway Superintendent Ward stated there is nothing new to report. Charging Stations: Supervisor Frank stated there is a Quarterly Report and we had some money come in. The software issue I had, it seems we have worked through it.

Village Court: Supervisor Frank stated and advertisement has been put in the paper and on the website. We do not plan to hire until May. February was paid by the tenant and they know they need to be out by March 31st. The architect who designed the floorplan for the court wants to meet, I will reach out again to set up a meeting. We need to bid out for construction. Deputy Supervisor Stalteri asked did we hear back about the grant? Supervisor Frank stated no we have not as of last week. Councilman Kast asked what happens if a new mayor comes in and they want to keep the court? The mayor is up for election this year. Supervisor Frank stated it is in motion, I am not sure when it is too far gone. Councilman Kast stated Chris may know. Where would that leave us? Deputy Supervisor Stalteri stated they voted on it and submitted it. Supervisor Frank stated we would still be losing the tenant. I will ask Chris.

Osborne Hill Road Culvert + Shells Bush Road Bridge: Supervisor Frank stated for both Osborne and Shells Bush Road we have a couple of invoices for consultants. We have six for Shells Bush Road and five for Osborne Hill. We have been reimbursed by the state at 90 % so far which is good. We received a check from DOT for 13,000 dollars, you cannot call them you need to go online. I went online typed in our vendor number, I needed a new password and never got the email. It provided me with a phone number I can call for assistance, I left a message on Wednesday and I am waiting on a call back. Highway Superintendent Ward stated I put a call into CHIPS as well and haven't heard anything back yet.

10) **New Business.**

Supervisor Frank stated we have a Vendor Permit application from Cousins Maine Lobster, they provided insurance. Codes Enforcer Collis stated it looked okay to me, they are going to be at Lowes. I recommend.

Upon recommendation of Codes Enforcer Collis. Motion by Councilman Kast, seconded by Councilman Stalteri to accept, place on file, and approve the Vendor Application for MM Brodie LLC DBA Cousin Maine Lobster.

CARRIED AYES ALL

Supervisor Frank stated the property owner, Lennon is interested in selling the pallet shop building on Arthur Street. I know we were interested years ago. Can we use the building? Highway Superintendent Ward stated it is in rough shape, it is not high enough to use for storage, the roof leaks, and the water has not been turned on in years. With that being said we can utilize it as a sand/salt shed. We can clean up the property and tear down the building. Councilman Kast stated that was our idea years ago, we were worried about the salt/sand with weather and the Mohawk river. The DEC has been going after municipalities for having salt/sand outside. They would like to see it inside due to the weather. Supervisor Frank stated we got an appraisal last time, we put in a purchase offer, we went back and forth, then withdrew our offer. I don't know if that would still be the number, we have a lot going on right out. We have the community center coming up in 2027 and we are going to have to borrow once it gets started. The grant we received is just for the butler building and the parking lot. We have two payments left on the Town Park Improvements, we have the East Herkimer Sewer District Project coming up and the Mckennan Road Enhancement. Councilman Kast stated I think we should purchase the property, it is ideal for salt/sand and we are going to end up needing a shed. Supervisor Frank stated we should be able to do it if we wanted to. Councilman Carbone stated we could always do payments. Councilman Kast stated as long as we own the property, if we can purchase it. The highway department can clean it out and we can start from there. Highway Superintendent Ward stated can we tear it down? Councilman Kast stated we may be able to. If you need any help Dominic, let me know. Deputy Supervisor Stalteri stated I think we have a lot on the fire, show me where we can afford it with all the projects we have going on. Councilwoman DeCarlo stated it sounds like we are spending a lot of money. Highway Superintendent Ward stated we dig salt/sand out of the ditch every year. Deputy Supervisor Stalteri stated get the property then we can look into grants. Councilman Kast stated DEC was funding them for a while. Highway Superintendent Ward stated I will speak with the other towns and see what they did for funding. Supervisor Frank stated I will have a conversation with Chris regarding the appraisal. Councilman Carbone asked will we run into any problems with Arthur? Highway Superintendent Ward stated there is not a lot of traffic and we will block that part off so it can no longer be used. Supervisor Frank stated I will keep interest going and talk with Chris. Highway Superintendent Ward asked can you ask her if they are leaving everything or cleaning it out? We may be able to get some of our money back if they leave the equipment.

Reports.

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the DASNY Completed and Signed Grantee Questionnaire.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Gender Based Violence and the Workplace Certification for Park Grant 2026

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Town of Herkimer 2026 Sales Tax Report

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Executed Contract with Hartgen Archeological Associates Inc. for 160 Pine Grove Road

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Executed Contract with RCAP for Income Survey for Mckennan Road Water District #3.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Executed Contract with Barton and Loguidice for Town Park Grant 2026.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Stalteri to accept and place on file the Executed Agreement with EFC for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Town of Herkimer Court 2026 Audit Request.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Executed 2026 Contract for Town Park Supervisor with Kathi Nasypany.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Herkimer County Reimbursement for 2026 Snow removal.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Herkimer County Sales Tax Report.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the November 2025 Bank Reconciliation from Budget Officer Baylor.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Emergency Order dated 1/21, 1/26, and 1/31 for East German Street Extension.

CARRIED AYES ALL

Motion by Councilman Stalteri, seconded by Councilman Carbone to accept and place on file the Emergency Order dated 1/22, 1/27, and 2/1 for Oberle Road.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Stalteri to accept and place on file the Revenue and Expense Report dated February 2, 2026.

CARRIED AYES ALL

Motion by Councilman Carbone, seconded by Councilman Kast to accept and place on file the Trial Balance Report dated February 2, 2026.

CARRIED AYES ALL

Highway Superintendent Ward stated we have dump boxes we are looking to get rid of separately. Chris is going to look into if we can sell them directly. The village is interested in the boxes would you be interested in selling them to the Village. Supervisor Frank stated yes. Councilman Kast stated yes. Councilman Carbone stated yes. Deputy Supervisor Stalteri stated yes.

11) Audit and Purchase Order

Highway Superintendent Ward stated he has three quotes for a new plow truck. The International truck is the cheapest, my suggestion would be the International truck with Henderson equipment. The Henderson equipment has worked well for us. We would get the truck this year and the plow equipment next year. We have the final payment this year for the 2022 Western Star. Supervisor Frank stated we would borrow. Councilman Kast asked what would we be retiring/selling? Highway Superintendent Ward stated the 2012 Freightliner. Councilman Kast asked how many miles? Highway Superintendent Ward stated about 100,000. There is value too it. Supervisor Frank asked when would it hit? Highway Superintendent Ward stated May or June. If we order it this week, we would order all the equipment as well. It would be put in the garage; the warranty does not start until it is in service.

Motion by Councilman Kast, seconded by Councilman Carbone to order and approve the International truck and the Henderson equipment.

CARRIED AYES ALL

Motion by Councilman Kast, seconded by Councilman Carbone to accept, place on file and approve the Audit dated February 2, 2026.

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, February 16, 2026 at 6:00PM.

CARRIED AYES ALL

Kristal Moore, Herkimer Town Clerk