

1 **REGULAR MEETING, TOWN OF DANUBE, SEPTEMBER 15, 2005**

2  
3 **A regular meeting of the Town Board of the Town of Danube, County of**  
4 **Herkimer and the State of New York was held at the Town Hall, 438 Creek Road,**  
5 **Little Falls, NY on 15<sup>th</sup> day of September 2005.**  
6

7 **PRESENT:** Charles Welden ---- Supervisor  
8 Allan G. Edmunds ---- Councilman  
9 Lee Ann Stock ---- Councilwoman  
10 James Lasher ---- Councilman  
11 Patricia Jodway ---- Councilwoman  
12 Mary Herringshaw ---- Clerk  
13

14 **ABSENT:** Leonard Pross ---- Superintendent of Highways  
15

16 Supervisor Welden called the meeting to order at 7:00 P.M. with the Pledge of  
17 Allegiance to the Flag.  
18

19 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**  
20

21 **At 7:02 p.m. Supervisor Welden opened the floor to public comment.**  
22

23 **The first resident to speak was John Dobrovolc of 117 The Lane Road. Dobrovolc**  
24 **questioned the extensive work done on the road recently and wondered why the**  
25 **road hasn't been paved. Dobrovolc asked why the job wasn't completed the way he**  
26 **was told by Highway Superintendent Pross that it would be. He also mentioned that**  
27 **it has been two months since he seeded his lawn where the work was done and there**  
28 **still isn't any grass growing, stating he was concerned about that because his well is**  
29 **only five feet away. Dobrovolc said grass would usually grow unless it was treated**  
30 **dirt that the town put in there. Supervisor Welden stated that over a period of**  
31 **weeks Pross has been going up and measuring the pipe because there was a sense**  
32 **that the diameter was changing in size and they didn't want to do anymore work**  
33 **there until they could say for sure that it wasn't changing. Welden also explained**  
34 **that Pross was going to preserve the surface for the winter with oil and stone and**  
35 **then pave in the spring after the road has settled. Councilman Lasher then spoke to**  
36 **the group of residents at the meeting explaining that Pross hasn't been at a regular**  
37 **monthly board meeting in the last five months to go over the status of the road but**  
38 **the highway department wasn't to pave because of a chance of the road settling, also**  
39 **stating that Horender Construction was sent up there to pave by Pross and then told**  
40 **to stop because it wasn't approved. Dobrovolc then questioned why the work was**  
41 **done in the first place and why the highway department didn't just repair the**  
42 **retaining wall, stating that it seems to him like a lot of money spent to fix something**  
43 **that didn't need to be fixed. Councilwoman Jodway then asked Mark Warner,**  
44 **Highway Department Employee, how many calls they received from her to go and**  
45 **clean the culvert. Warner replied 3 or 4. Jodway then explained that when she saw**  
46 **the trucks going up to pave she went up herself and told them that there was a**

47 decision made at the last board meeting not to pave because of potential problems  
48 and the potential of having to dig the road up again. Dobrovolc then said that he  
49 was told by Pross that he would be able to mow the grass and weed in there but  
50 nothing has grown and he is concerned about that. Dobrovolc asked where the  
51 gravel came from and wondered if it was treated mentioning again that his well is  
52 only five feet away from there. Councilman Edmunds then asked the rest of the  
53 board what the town could do for him, asking if they could get seed or something.  
54 Welden said they would have to do something with the road first. Councilwoman  
55 Stock then commented that it was hard to say anything with Pross there to give  
56 some answers. Edmunds then said his only comment on that is that the people voted  
57 him in. Lasher then said that to the boards knowledge nothing treated was put in  
58 there. Dobrovolc said he still wanted to know where it came from. Welden said it  
59 came from the town's gravel bed.

60  
61 The next resident to speak was Michael Weiner. Weiner said he had more issues  
62 with the dogs again. Weiner stated that there were two more litters (18 dogs) up  
63 there. Weiner also brought a copy of the NYS Consolidated Dog Laws stating that  
64 the town can do something about the dogs if they are running. Weiner then asked  
65 the board members if they were aware that the dogs killed two, of Mr. Kelley's,  
66 ducks. Welden said that the assessor handles it if a domestic dog kills ducks and  
67 Welden is taking care of getting the forms and will deliver them when they come.  
68 Welden said that the Kelley's would get reimbursed for the loss of the ducks.  
69 Weiner then stated that they are chasing cats and horses and are traveling up to  
70 Treasure Mountain everyday. Councilwoman Jodway said that last month she did  
71 question the legalities of the dog licenses issued by the City Clerk's Office and that  
72 on September 9<sup>th</sup> a letter went out stating that the licenses were revoked and would  
73 have to be issued through the town. Jodway stated that the dogs are no longer  
74 licensed. Welden said that the dogs could be picked up then, and had the board  
75 members look at an ariel photo which pointed out areas in which these dogs were  
76 seen running which seems to be spreading farther and farther from their home.  
77 Welden said what is going to end up happening is that the town is going to end up  
78 having to pass a leash law because of a few individuals not controlling their dogs.  
79 Weiner said his biggest concern is that someone is going to get hurt. Welden said  
80 that since they are not licensed they could be picked up if they are running but the  
81 expense would be charged to the town from the Humane Society. Councilman  
82 Edmunds then suggested that the dog control officer pick them up. Weiner stated  
83 that any fees incurred by the town could be added to the owner's property taxes.

84  
85 Mary Ann Aloisio was the next resident to speak handing out pictures taken the  
86 previous night showing the lack of maintenance in the area of Finks Basin Road,  
87 Lovers Leap Road and The Lane Road. Aloisio then stated that this is the worst this  
88 area has ever looked ever. Welden said that some of that is because the town  
89 doesn't have a mower to use.

90  
91 Resident Fran Aloisio was the next to speak stating that the board tables a lot of  
92 things and asking the board the status of the insurance check that was tabled at a

93 previous meeting. Welden said that topic was on the agenda for tonight's meeting  
94 and explained that they are getting close to the 180 days to expiration so they will  
95 have to come to a decision or the check will be void. Welden explained that at first  
96 it was voted on to send the check back. The next day there was discussion from  
97 some board members expressing that they felt the town should keep the check. It  
98 was then decided to put the check into the trust and agency account and then after  
99 determining the cost of repairing the equipment the remainder of the money would  
100 be sent back to the insurance company. Lasher then spoke up questioning how the  
101 board could make a decision and then the next day change their minds. Lasher said  
102 it is like taking one step forward and three steps backwards. Edmunds then  
103 questioned why it was such a big deal. Lasher replied that he originally asked  
104 Welden why it was even turned into the insurance company since the highway  
105 department has always fixed their own equipment. Welden then said that Pross told  
106 him he turned it in because all of the towns are doing that now. Lasher then  
107 reminded the board that Pross told them, at a meeting, that even though he turned  
108 it in to the insurance company the men were going to fix it and they could use the  
109 check to buy new tires. Lasher then said that is dishonest and he couldn't be a part  
110 of that and that if the town tries to nickel and dime the insurance company then the  
111 premiums will go up and that doesn't make any sense because the men here can fix  
112 it better than anyone else can anyways. Edmunds replied that that is why the town  
113 has insurance and our premium is so high we should use it. Lasher still replied that  
114 the premiums would go up. Welden said after speaking with Tim Day just  
115 yesterday, Day expects our premium to decrease this year. Lasher said he doesn't  
116 know why everyone can't trust the men to fix the truck because he does. Edmunds  
117 said he trusts the men also. Lasher then asked highway employee Mark Warner if  
118 he thought they could fix the truck. Warner replied 'oh god yes'. Fran Aloisio then  
119 stated that he remembered Pross stating that he would have the men fix it and use  
120 the insurance money for tires and Aloisio expressed that the board isn't setting a  
121 good example by taking the check.

122  
123 Lasher then addressed Justice Clerk Joan Miller stating that after last months  
124 meeting he did indeed check with Justice George Luther from the Town of Schuyler  
125 who told Lasher that their town takes in 500 tickets a month and about \$30,000.  
126 Lasher reminded Miller that she reported to the board that our town was almost as  
127 busy at their town and Lasher pointed out that we aren't. Lasher said maybe Miller  
128 was misinformed and he was just bringing back the information that he told her he  
129 would.

130  
131 **7:56 Public Comment was closed.**

132  
133 **RESOLUTION # 96**

134 **APPROVAL OF NEW AGENDA**

135 **On a motion made by Councilman Edmunds, seconded by Councilwoman Jodway,**  
136 **the following resolution was**

137 **ADOPTED Ayes 5**

**Welden, Edmunds, Stock, Lasher, Jodway**

138 **Nays 0**

139  
140 Resolved that the agenda for the meeting be approved.

141  
142 **RESOLUTION # 97**

143 **APPROVAL OF MINUTES**

144 On a motion made by Councilman Lasher, seconded by Councilwoman Jodway, the  
145 following resolution was

146 **ADOPTED Ayes 5      Welden, Edmunds, Stock, Lasher, Jodway**  
147 **Nays 0**

148 Resolved that the minutes from August 11<sup>th</sup>, 2005 be approved.

149  
150 **REPORT OF TOWN OFFICIALS**

151  
152 **ASSESSOR**

153 Supervisor Welden explained that he wrote to assessor Denise Reska requesting to  
154 know the taxable value of the town and found out that the town taxable assessed  
155 value decreased this year by \$165,041, which was partially the result of the BAR  
156 lowering the value of the former McKenney Farm by \$150,800. Welden said he can  
157 easily predict a decrease in the equalization rate again and the only way to offset  
158 that is with a revaluation of the town. Welden said that he spoke with Reska about  
159 it and she said the county does about 3 per year and the City of Little Falls has  
160 already asked for one, so Welden said if we want to have one done we have to decide  
161 right along, saying it is something to think about.

162  
163 **CODES REPORT**

164 Supervisor Welden went over the report from Codes Enforcer Steve LaCoppola.  
165 Justice Clerk Miller then asked how she should handle complaints coming in to her  
166 because people can't get hold of the codes enforcer. Miller went on to state that  
167 people are complaining that they are being put behind on their construction because  
168 they can't get hold of LaCoppola and Miller would like a number to give out when  
169 people stop in or call. Welden told Miller to give out his number if someone calls  
170 looking for LaCoppola.

171  
172 **TOWN JUSTICE**

173 Supervisor Welden went over a monthly report submitted by the justice department  
174 that stated the number of tickets received 141, closed 127, and open 2967. Jodway  
175 then asked what was the status of the money confiscated in our town. Jodway  
176 wanted to know if the town was still going to get a portion or not. Miller said she  
177 turned all of that information over to the board. Welden said he hadn't heard  
178 anything lately but Herkimer County was trying to turn the case over to Syracuse.

179  
180 **DOG CONTROL OFFICER**

181 Dog Control Officer Hysack did provide Supervisor Welden with a report to  
182 distribute at the meeting for the Month of August. Welden did state that when  
183 Hysack follows up on calls the dogs are usually gone and that is why it is a good idea  
184 to take pictures if you have a camera handy to show to her.

**RESOLUTION # 98**  
**DOG COMMITTEE**

**On a motion made by Councilwoman Jodway, seconded by Supervisor Welden, the following resolution was**

**ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**  
**Nays 0**

**Resolved to establish a committee to establish a leash law consisting of both council members and residents.**

**Jodway said she would chair the committee. Edmunds said he would be on the committee along with residents Kim Broderick and Mike Weiner. Welden said something could also go in the paper letting other residents know about it incase they were interested they could call Jodway at 823-4486. Lasher said they should put something in the paper to let residents know what they are doing anyway.**

**TOWN CLERK**

**Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw for the month of August 2005. Welden reported that the Evening Times submitted a bill to the town for \$514.29 for running minutes in the paper from October, 2004 and as far as Welden could tell there wasn't a previous charge for that month. Lasher then said that obviously the publisher/editor isn't running the newspaper; it is more like the men who work there that are because they come and go as they please.**

**CEMETERY BOARD**

**Rick Mosher, cemetery board president, wasn't present but did send a report to go over.**

**RESOLUTION # 99**  
**TOWN OWNERSHIP OF HOUP T CEMETERY**

**On a motion made by Councilman Edmunds, seconded by Supervisor Welden, the following resolution was**

**ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**  
**Nays 0**

**Resolved to have cemetery attorney Norman Mastromoro prepare a resolution that would declare the town's ownership of the existing Houpt Cemetery.**

**Mosher also requested to know the outcome of last months meeting request of Bob Drummonds for the cemetery cleanup to include that cemetery ongoing. Welden said that Drummonds would have to request that in writing and the board would turn it over to the attorney and a right of way would have to be established. Welden**

231 said that this is the first time we have ever looked into owning a cemetery for which  
232 there isn't a perpetual fund already in place.

233  
234 **PLANNING BOARD**

235 No report submitted but Welden stated they would be in action fairly soon as there  
236 are going to be antenna changes on a tower in the town.

237  
238 **SUPERVISOR'S REPORT**

239 **RESOLUTION # 100**

240 **MONTHLY REPORT**

241 On a motion made by Councilman Edmunds, seconded by Councilman Lasher, the  
242 following resolution was

243  
244 **ADOPTED** Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway  
245 Nays 0

246  
247 Resolved to accept August's Monthly Report from Supervisor Welden.

248  
249 **HIGHWAY SUPERINTENDENT**

250 Highway Superintendent wasn't present but did submit a report for the board to go  
251 over. Welden said that it is kind of hard to say anything about the report with out  
252 Pross there to explain. Lasher did ask Welden to explain the crisis that Pross had  
253 last week about being out of fuel and not having a supplier. Welden said he was  
254 lead to believe that the town was out of diesel fuel and that they weren't going to be  
255 able to get any so Welden went to the town's current supplier, Suburban, in Fort  
256 Plain and talked to Manager Wayne Horender about it Horender wrote up an  
257 order on the spot and it was delivered to the town. Lasher asked what arrangement  
258 the town had in terms of delivery. Welden said there is no arrangement now in  
259 place but said they should have it topped off before the end of the month. Lasher  
260 then asked if they automatically drop off at the garage. Welden said no and that  
261 they ran out in July and Mark Warner called and had them drop some off. Warner  
262 then stated that when he called them in July he was told they shouldn't drop off any  
263 fuel at the garage again until November. Welden said then it really wasn't  
264 Suburban's (Agway's) problem that the town ran out then. Welden then stated that  
265 the town could put a legal notice in the paper for bids for fuel oil. Edmunds asked if  
266 it could be specific to include the number of gallons used last year or the number of  
267 gallons that would be approximately be used this year. Welden said he would work  
268 on it soon and then have Clerk Herringshaw run the notice in the paper.

269  
270 **RESOLUTION # 101**

271 **FUEL OIL BIDS**

272 On a motion made by Councilman Edmunds, seconded by Councilwoman Jodway,  
273 the following resolution was

274  
275 **ADOPTED** Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway  
276 Nays 0

277  
278 **Resolved to run a legal notice for 3 separate days for Diesel Fuel and Heating Oil**  
279 **Bids for the 2005/2006 winter season.**  
280

281 **At this point Jodway asked what the \$294 listed on the highway report under scrap**  
282 **steel was for. Welden explained that it has been there for a while and it pertains to**  
283 **previous years. At this point the board talked about the request for the Ucasz Road**  
284 **amended highway agreement that Pross wanted. They also talked about Lovers**  
285 **Leap Road. Welden said he thought they should do something with it but put a**  
286 **\$500 limit on it. Lasher said that it is only going to break up. Welden then asked**  
287 **how late in the season could they oil and stone. Lasher said until November as long**  
288 **as it stays dry for 24 hours. Lasher then asked Warner how much it would take to**  
289 **build up the side of the road so it tips about 6 inches. Warner said not that much at**  
290 **all. Welden then said could they at least do that then, could there be a**  
291 **recommendation to tip the road or just have it oil and stoned. Lasher said he still**  
292 **believed it would break up, but suggested putting calcium chloride on it or cold**  
293 **patch. Welden asked Warner how that would be. Warner said that would work.**  
294 **Welden then asked the board what should be done. Stock said we have to have**  
295 **Pross here to advise us. Welden asked if they could support cold patch or millings.**  
296 **Lasher said it might just be better to put crusher run and calcium chloride. Welden**  
297 **said he would recommend building up with crusher run to the north so it slopes to**  
298 **the south and then adding calcium chloride. Welden then said he wanted to go over**  
299 **a few more things while Warner was still there, as he was their contact for highway.**  
300 **They next discussed tires for D2, which are all bald (8 tires total). Warner said the**  
301 **insides duals are all worn out and there is only a little left on the outside. Welden**  
302 **said that Pross said he could get 8 tires for \$863.20 if the existing casings were good**  
303 **or for \$1832 if the casings were not good. Lasher asked if the tires were recaps or**  
304 **were they new tires. Warner said he did not know.**  
305

306 **RESOLUTION # 102**

307 **TIRES FOR D2**

308 **On a motion made by Councilman Lasher, seconded by Councilwoman Jodway, the**  
309 **following resolution was**  
310

311 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**  
312 **Nays 0**  
313

314 **Resolved to approve purchasing 8 brand new rear tires for D2 not to exceed \$1000**  
315 **total.**  
316

317 **Welden then mentioned that they still have to consider dead end roads, stating he**  
318 **hasn't talked to Attorney Peter Doherty and if he doesn't they would have to call**  
319 **someone else before winter.**  
320

321 **Lasher then asked who was in charge of the highway department now that Pross is**  
322 **gone on a trip. He also asked when he would be returning. Welden said he left on**

Tuesday and wasn't sure when he was returning but he apparently didn't leave anyone in charge. Lasher then asked what the men were supposed to do in case of an emergency. Lasher stated that he knows the men are capable but reminded the board that it doesn't say much for the position of highway superintendent if Pross didn't think he needed a replacement in his absence.

#### **OLD BUSINESS**

16a. Welden said Doherty was impressed with the survey records of the roads and gave Welden a name to contact that deals with this area. Welden said they should send the George Bunk guidelines to the surveyors on the list also to the contact that the attorney gave them.

16d. Jodway asked why this item was still on the agenda. She said it had been on there for the last 8 months and nothing has been done. Jodway respectfully asked that it be removed.

16e. At this point the board discussed options for a new voice mail system. Lasher asked if it might be better to just look into a dedicated phone line.

#### **RESOLUTION # 103**

##### **NEW PHONE LINE COST**

On a motion made by Councilwoman Stock, seconded by Councilwoman Jodway, the following resolution was

**ADOPTED**    Ayes 5      Welden, Edmunds, Stock, Lasher, Jodway  
                     Nays 0

Resolved to have Supervisor Welden get the cost of a new phone line.

16i. A new trash pickup date was discussed for October 21<sup>st</sup> and 22<sup>nd</sup> for the town.

#### **RESOLUTION # 104**

##### **OCTOBER TRASH PICKUP DATES**

On a motion made by Councilman Edmunds, seconded by Councilwoman Stock, the following resolution was

**ADOPTED**    Ayes 5      Welden, Edmunds, Stock, Lasher, Jodway  
                     Nays 0

Resolved to set the next trash pick up date for the town to October 21<sup>st</sup> from 8 am – 4 pm, and 22<sup>nd</sup> from 9 am to 2 p.m. Pending Leonard Pross being able to arrange the specifics.

At this point Councilwoman Jodway thanked Justice Clerk Miller for cleaning out the office space after the furnace was taken out.



16k. The board discussed holding a special meeting to discuss workers' compensation insurance. Supervisor Welden told the board that \$7241.82 was owed for tail claims for 2006 for Herkimer County Self Insurance Claims.

16l. Councilman Lasher is still working on the North Gardinier Road Loop.

16m. The board discussed if they should deposit the Trident Insurance Check or send it back. Welden reminded everyone that the deadline was getting close and if they didn't make a decision the check would be void. Welden said if they deposited it into the agency account it really isn't the town's money and the board could still issue a check back to Trident Insurance Company at a later date. Lasher said he believed it was a fraudulent charge and he couldn't be a part of that, reminding the board members that they all have to be able to look in the mirror. Edmunds said it was a waste of taxpayer's money if they didn't use the check. Stock said you should only use insurance when it is absolutely necessary and she votes to send the check back, stating that that is how she voted before and she is still holding on to that.

#### RESOLUTION # 105

#### RETURNING THE TRIDENT INSURANCE CHECK

On a motion made by Councilman Lasher, seconded by Councilwoman Stock, the following resolution was

ADOPTED	Ayes 2	Stock, Lasher
	Nays 2	Edmunds, Jodway
	Abstain 1	Welden

Resolved to send back the insurance check to Trident Insurance Company.

Motion not accepted.

#### NEW BUSINESS

Councilman Edmunds said he would like to talk to Mr. Drummond about using his former manure pit for fire protection.

#### 20. Warrants

#### RESOLUTION # 106

#### PAY ABSTRACTS FOR MONTH

On a motion made by Councilman Edmunds, seconded by Councilwoman Jodway, the following resolution was

ADOPTED	Ayes 5	Welden, Edmunds, Stock, Lasher, Jodway
	Nays 0	

Be it hereby resolved that the town board members audit both the general and highway warrants and abstracts for the month and approve for payment #'s 0901

415 through 0915 for general warrants and #'s 0901 through 0919 for highway  
416 warrants.

417  
418 On a motion made by Councilman Edmunds, seconded by Councilwoman Stock, the  
419 meeting was adjourned at 11:07 P.M. Carried unanimously.

420  
421 

---

Mary Lou Herringshaw, Town Clerk