

1 **SPECIAL MEETING, TOWN OF DANUBE, NOVEMBER 10, 2005**

2
3 **A special 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 10th day of November 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 Leonard Pross ---- Superintendent of Highways
14

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

18 Supervisor Welden convened the budget hearing by reading the legal notice that
19 went in the paper. The board went over the budget by departments to discuss
20 where they could cut back in places to lower the projected tax increase. Resident
21 Michael Weiner wanted to know why taxes would be increasing over 20% when the
22 code officer and dog control officer don't enforce the laws. The board explained
23 that the appointed officers can only issue tickets and that it is up to the elected
24 Justice for the town to issue fines and penalties.
25

26 The board set another special budget meeting for November 16th 2005 at 6:00 pm.
27

28 The meeting was adjourned at 8:03 P.M.
29
30

31

Mary Lou Herringshaw, Town Clerk
32
33

34 **REGULAR MEETING, TOWN OF DANUBE, NOVEMBER 10, 2005**
35

36 **A regular meeting of the Town Board of the Town of Danube, County of**
37 **Herkimer and the State of New York was held at the Town Hall, 438 Creek Road,**
38 **Little Falls, NY on 10th day of November 2005 immediately following the budget**
39 **hearing scheduled for 7:00 pm.**
40

41 **PRESENT:** Charles Welden ---- Supervisor
42 Allan G. Edmunds ---- Councilman
43 Lee Ann Stock ---- Councilwoman
44 James Lasher ---- Councilman
45 Patricia Jodway ---- Councilwoman
46 Mary Herringshaw ---- Clerk

Leonard Pross ---- Superintendent of Highways

Supervisor Welden called the meeting to order at 8:03 P.M. with the Pledge of Allegiance to the Flag.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

At 8:04 p.m. Supervisor Welden opened the floor to public comment.

Councilman Lasher congratulated the new electors to their positions. Supervisor Welden did also.

8:06 Public Comment was closed.

RESOLUTION # 120

APPROVAL OF NEW AGENDA

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 that the agenda for the meeting be approved.

RESOLUTION # 121

APPROVAL OF MINUTES

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

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

Resolved that the minutes from October 13th, 2005 be approved.

RESOLUTION # 122

APPROVAL OF MINUTES

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

Resolved that the minutes from October 18th, 2005 be approved.

RESOLUTION # 123

APPROVAL OF MINUTES

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

Resolved that the minutes from October 25th, 2005 be approved.

REPORT OF TOWN OFFICIALS

CODES REPORT

Supervisor Welden went over the report from Codes Enforcer Steve LaCoppola.

TOWN JUSTICE

Supervisor Welden went over a monthly report submitted by the justice department that stated the number of tickets received 123, closed 127, and open 2956. Town Clerk Herringshaw then asked the board for direction in handling telephone calls that she receives at her home that seem to need immediate attention when the justice clerk doesn't have office hours when these people are trying to get a hold of someone. Herringshaw explained that she had two calls over the past week on Thursday evening and Monday 7:10 a.m. in which the caller felt like they deserved immediate gratification and were turning to the town clerk because they had no other option. Both callers said they had left several messages on the court voice mail and needed another option to contact someone/judge in the township to get their tickets resolved. Herringshaw stated that she just wanted to know what numbers she was allowed to give out in those instances, stating they were calling her at home and she couldn't give out the judges home number so she wanted to know what to do. The board told her she could give out Justice Horender's number, as he is an elected official in the town.

DOG CONTROL OFFICER

Dog Control Officer Hysack did provide Supervisor Welden with a report to distribute at the meeting for the Month of October.

TOWN CLERK

Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw for the month of October 2005.

CEMETERY BOARD

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

SUPERVISOR'S REPORT

RESOLUTION # 124

MONTHLY REPORT

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

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

141
142 **Resolved to accept October's Monthly Report from Supervisor Welden.**

143
144 **HIGHWAY SUPERINTENDENT**
145 **Highway Superintendent Pross started by asking if there were any questions on his**
146 **report. Pross explained to everyone about the DOL/PESH Inspection. Pross also**
147 **said he needed to have a meeting set up with the town's attorney. Pross reported**
148 **that he got tires for D2. Pross also said he would need approval to get 2 front tires**
149 **for D2 because it wouldn't pass inspection with the tires it had on it. Pross said he**
150 **would gather up information to present to the board at the meeting on the 16th.**

151
152 **OLD BUSINESS**

153 **16d. Welden asked Herringshaw to put a notice in the paper informing residents**
154 **about the Special Hearing/Meeting set for Dec. 1st at 7:00 pm to discuss the Local**
155 **Leash Law for Dogs.**

156
157 **16g. Welden reported that there was now a highway employee out on Workers'**
158 **Compensation. Welden said he would have to give Mark Warner a copy of the job**
159 **description to turn over to his doctor.**

160
161 **16k. Welden said he would talk to our assessor and the county director about**
162 **drawing up a contract for a Revaluation of the town.**

163
164 **NEW BUSINESS**

165
166 **17a.**
167 **RESOLUTION # 125**
168 **DIGITAL TOWPATH MEMBERSHIP IN COOPERATIVE**
169 **On a motion made by Councilman Edmunds, seconded by Councilwoman Stock, the**
170 **following resolution was**

171
172 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
173 **Nays 0**

174
175 **Resolved:**
176 **WHEREAS**
177 **The Town of Danube has established and maintained a municipal website using the**
178 **Digital Towpath Municipal Website Template, and**

179
180 **WHEREAS**
181 **The Town of Danube has realized an increase in service to the residents of our Town**
182 **through the operation of our website, and**

183

184 **WHEREAS**

185 The continued operation and expansion of our website will continue to enhance our
186 citizens' e-government interaction with our Town, and

187
188 **WHEREAS**

189 The municipalities in New York State using the Digital Towpath Municipal Website
190 Template are banding together to form the Digital Towpath Cooperative, and

191
192 **WHEREAS**

193 The intermunicipal joint service agreement establishing this cooperative has been
194 presented to and reviewed by this board,

195
196 **THEREFORE**

197 We authorize the Supervisor to sign the Intermunicipal Joint Service Agreement
198 establishing the Digital Towpath Cooperative and hereby designate Supervisor
199 Charles M. Welden to represent the Town of Danube in all proceedings of that
200 body.

201
202 Adopted at the November 10, 2005 Regular Town of Danube Town Board Meeting.

203
204 **17b.**

205 **RESOLUTION # 126**

206 **DECEMBER'S MONTHLY MEETING DATE**

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

209
210 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
211 **Nays 0**

212
213 Resolved to change the date for the regular monthly board meeting to December 15,
214 2005 @ 7:00 pm.

215
216 **17c.**

217 **RESOLUTION # 127**

218 **RETIREMENT PAYMENT APPROVAL**

219 On a motion made by Councilwoman Jodway, seconded by Councilman Lasher, the
220 following resolution was

221
222 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
223 **Nays 0**

224
225 Resolved to have Supervisor Welden pay the annual invoice for the employee's
226 retirement system in December.

227
228 **17d.**

229 **RESOLUTION # 128**

MUNICIPAL INSURANCE PAYMENT

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

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

Resolved to have Supervisor Welden pay the annual municipal insurance payment invoice when it arrives.

17e. Special Budget Meeting is set for November 16, 2005 at 6:00 pm.

20. Warrants

RESOLUTION # 129

PAY ABSTRACTS FOR MONTH

On a motion made by Councilwoman Jodway, seconded by Councilman Edmunds, 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 1101 through 1132 for general warrants and #'s 1101 through 1125 for highway warrants.

On a motion made by Councilwoman Jodway, seconded by Supervisor Welden, the meeting was adjourned at 10:40 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

“RECONVENED” REGULAR MEETING, TOWN OF DANUBE
NOVEMBER 10, 2005 WRITTEN FROM NOTES TAKE BY Charles Welden.

At 11:08 PM Councilman Lasher recalled that he had information from Contractor David Augar regarding completion of the handicapped-accessible bathroom.

At 11:09 PM Supervisor Welden and the rest of the Town Board reconvened the meeting.

PRESENT:	Charles Welden	----	Supervisor
	Patricia Jodway	----	Councilwoman
	Allan Edmunds	----	Councilman

Lee Ann Stock ---- Councilwoman
James Lasher ---- Councilman

Councilman Lasher explained the work that Augar was proposing. It would include all materials and labor to complete the handicapped-accessible bathroom and make it functional. The materials and labor would include:

1. a handicapped-accessible toilet with all plumbing and a handrail/grab bar on the east wall.
2. a medium-sized handicapped-accessible sink and faucets with all plumbing.
3. a handicapped-accessible mirror with light above and switch.
4. a drop ceiling with 6 inches of insulation above and a 2 tube 40 watt fluorescent light on the under surface and an electric ceiling exhaust fan.
5. an electrical outlet with (ground-fault) installed on the south wall where the light switch is currently located.
6. all lights and ceiling fan to be on the same switch by the doorway.
7. all channels cut in floor to be filled with sand/gravel and covered with at least 3 inches of concrete with the surface smooth enough for vinyl tile to be installed.
8. All work and materials not to exceed \$3,200.

RESOLUTION #130

ACCEPT PROPOSAL AS OUTLINED ABOVE

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

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

The Town Board of the Town of Danube agrees to hire David Augar, Contractor, to furnish all materials and complete the work as outlined above for a cost not to exceed \$3,200.

Also discussed was an addition to the north side of the building to be of pole-type construction 24 feet wide and 60 feet long. The immediate purpose of this addition will be to divert the water from the roof and the resultant ice when it freezes away from the current side of the building. When totally completed it will be used for additional office space and storage. Contractor Augar and others will be contacted to determine possible costs and construction details.

At 11:33 PM A motion to adjourn by Councilwoman Stock and Seconded by Councilman Lasher was adopted—ayes all.

Mary Lou Herringshaw, Town Clerk

SPECIAL MEETING, TOWN OF DANUBE, NOVEMBER 16, 2005

A special meeting of the Town Board of the Town of Danube, County of Herkimer and the State of New York was held at the Town Hall, 438 Creek Road, Little Falls, NY on 16th day of November 2005.

PRESENT: Charles Welden ---- Supervisor
Allan G. Edmunds ---- Councilman
Lee Ann Stock ---- Councilwoman
James Lasher ---- Councilman
Patricia Jodway ---- Councilwoman
Mary Herringshaw ---- Clerk
Leonard Pross ---- Superintendent of Highways

Supervisor Welden called the meeting to order at 6:00 P.M. with the Pledge of Allegiance.

Supervisor Welden started off the special meeting by discussing the PERMA report for Mark Warner. The board asked Warner to report what he was told by his doctor. Warner said he would be allowed to come back to work on transitional duty as of 11/17/2005. Warner said he would still be able to drive and plow snow. Warner said he would not be able to grasp or lift anything with his right hand. Warner said he had limited use of the right hand but full use of his left hand. Warner said the doctors only concern was that of pulling the pins out that were put in his finger to help it heal. Warner also stated that after his finger was healed he would be able to go back on regular duty. Warner told the board that he would adhere to the doctor's rules and not do anything to jeopardize his injury.

RESOLUTION # 131

TRANSITIONAL DUTY CASES

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

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

Resolved that all cases would be looked at on an individual case basis, involving workers' compensation and returning to transitional duty.

RESOLUTION # 132

LIMITED DUTY EMPLOYEE

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**

367
368 **Resolved to approve Mark Warner returning to duty on a limited basis effective**
369 **November 17th 2005 at 12:01 a.m.**
370

371 **At this point Highway Superintendent Pross told the board that 1 of the front tires**
372 **on D2 would not pass inspection and the other one is close to not passing. Pross**
373 **reported that the truck currently has tubeless tires with split rims on them, which**
374 **are becoming obsolete. Pross said he had a quote from 4 season's for good years to**
375 **switch over would be \$551.86. Pross said if we use the same tires that are on the**
376 **truck now it would cost \$529.33 for each tire and that would be using the wheels**
377 **that are on it. Pross suggests going to tubeless and had a quote of \$572.27 per tire**
378 **with an additional 5 or 6 dollars extra for valve stems. Pross said he was waiting to**
379 **hear back from Tom Stack on a price. Supervisor Welden said they would table it**
380 **then until the December 1st meeting when Pross would have Stack's quote.**
381

382 **The board started going over the budget at this point. Resident Michael Weiner**
383 **asked how anyone could tell how much money was left in the general fund by**
384 **looking at the budget sheets. Resident Mary Ann Aloisio asked how many fines had**
385 **been levied this year from violators, with respect to code violations. Welden said**
386 **none yet. The board asked Welden to check with the town attorney to see if fines**
387 **could be added to people's taxes like other towns do. When the board got to the**
388 **planning board section of the budget they discussed the need for additional**
389 **members.**
390

391 **RESOLUTION # 133**

392 **PLANNING BOARD APPOINTMENT**

393 **On a motion made by Supervisor Welden, seconded by Councilman Lasher, the**
394 **following resolution was**
395

396 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
397 **Nays 0**
398

399 **Resolved to appoint Kimberly Broderick as a member of the planning board.**
400

401 **AT 9:00 pm Councilwoman Jodway asked for a 10 minute break. At 9:10 pm the**
402 **board continued going over the budget department by department.**
403

404 **RESOLUTION # 134**

405 **ADOPTION OF PRLIMINARY BUDGET**

406 **On a motion made by Councilman Edmunds, seconded by Councilwoman Stock, the**
407 **following resolution was**
408

409 **ADOPTED Ayes 3 Welden, Edmunds, Stock**
410 **Nays 2 Lasher, Jodway**
411

Resolved to adopt the preliminary budget with the changes made at tonight's meeting. Including cutting \$1000 from contractual under town board; \$500 from equipment under supervisor; \$5000 from garbage collection; \$500 from central mailing and printing; and then adding \$5000 in income under miscellaneous revenue.

On a motion made by Councilman Edmunds, seconded by Supervisor Welden, the meeting was adjourned at 10:58 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

SPECIAL MEETING, TOWN OF DANUBE, NOVEMBER 21, 2005

A special meeting of the Town Board of the Town of Danube, County of Herkimer and the State of New York was held at the Town Hall, 438 Creek Road, Little Falls, NY on 21ST day of November 2005.

PRESENT:	Charles Welden	----	Supervisor
	Allan G. Edmunds	----	Councilman
	Lee Ann Stock	----	Councilwoman
	James Lasher	----	Councilman
	Patricia Jodway	----	Councilwoman
	Mary Herringshaw	----	Clerk
	Leonard Pross	----	Superintendent of Highways
	Peter Doherty	----	Attorney for the Town

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

The board first discussed the need for front tires for D2. Pross said he still hadn't received a quote from Stack Tires.

RESOLUTION # 131

TABLE DECISION ON TIRES

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

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

Resolved to table the discussion on purchasing new front tires for D2 until Highway Superintendent Pross has all of the information.

At this point the town board, highway superintendent and town attorney had a lengthy discussion on what to do about the outstanding bills resulting from

roadwork being done in 2004 that was not on a highway agreement. Supervisor Welden's pointed out that his concern was paying for work, with town funds, that was done on private property. After discussing work that was completed on private property and the issues that have arisen from it Doherty said that he would draft up a blanket form/agreement that should be taken to the landowners for signatures allowing town trucks and school buses turn around (protecting both the town and the land owner). Welden also asked about paying for material that wasn't clear on where it was used. Councilman Lasher stated that his concern was that highway work is being done that is not specified in the highway agreements. Doherty said that towns do need to have highway agreements but the board shouldn't have to micro manage the highway superintendent to make sure he is sticking to the agreements. Doherty also said that there would be certain instances where Pross would need a decision in a short time frame. Doherty suggested that the board create a sub committee that Pross could get hold of for situations like that. It was also brought up that Pross had told several people that he was leaving in January. Pross said he would want to do what is in the best interest of the town and said that at this point the board and he aren't working well together so that maybe it would be best for him to step down. The board mentioned that Pross's absence from several meetings this year leaves too many questions unanswered. Doherty suggested having a full time deputy (to attend meetings that Pross can't make) or putting highway higher up on the agenda so that Pross can answer questions and then leave the meetings.

RESOLUTION # 132

PLACING OUTSTANDING BILLS ON DECEMBER'S ABSTRACT

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

ADOPTED Ayes 4	Welden, Edmunds, Stock, Lasher
Nays 0	
Abstain 1	Jodway

Resolved to put the outstanding bills on the abstract to pay in the December 2005 monthly meeting.

On a motion made by Councilman Edmunds, seconded by Councilman Lasher, the meeting was adjourned at 9:24 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk