

1 **PUBLIC HEARING, TOWN OF DANUBE, MAY 12, 2005**

2
3 **A public hearing was held to discuss Town of Danube Local Law #2 of 2005, Local**
4 **Road Classification Law.**

5
6 **PRESENT:** Charles Welden ---- Supervisor
7 Allan G. Edmunds ---- Councilman
8 Lee Ann Stock ---- Councilwoman
9 Patricia Jodway ---- Councilwoman
10 Mary Herringshaw ---- Clerk

11
12 **ABSENT:** James Lasher ---- Councilman
13 Leonard Pross ---- Superintendent of Highways
14
15

16 **Supervisor Welden called the hearing to order at 6:33 P.M. with the Pledge of**
17 **Allegiance.**

18
19 **Supervisor Welden started out by reading the legal notice that was in Little Falls**
20 **Evening Times.**

21
22 **Supervisor Welden then asked if there were any questions or comments.**
23

24 **Resident Terry Marrone of Cramer road wanted to know when a road gets closed**
25 **who notifies the residents and how do residents know if it is reopened, because he**
26 **was never notified. Supervisor Welden said he would ask the town attorney. He**
27 **also wanted to know the status of his road, wondering if it was open or closed.**
28

29 **Resident Michael Weiner wanted to know what the state classifies a road as,**
30 **specifically how many rods. Supervisor Welden explained what the road was**
31 **according to town records and also explained that this was a public hearing on**
32 **Local Law #2 for 2005.**
33

34 **The hearing was adjourned at 6:55.**
35

36 **SPECIAL MEETING, TOWN OF DANUBE, MAY 12, 2005**
37

38 **A special meeting of the Town Board of the Town of Danube, County of**
39 **Herkimer and the State of New York was held at the Town Hall, 438 Creek Road,**
40 **Little Falls, NY on the 12th day of May, 2005.**
41

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

47 Mary Herringshaw ---- Clerk
48
49 ABSENT: Leonard Pross ---- Superintendent of Highways
50

51 Supervisor Welden called the meeting to order at 6:56 pm.
52

53 ROAD CLASSIFICATION LAW
54 RESOLUTION # 50
55

56 On a motion made by Councilwoman Jodway, seconded by Councilman Edmunds,
57 the following resolution was
58

59 ADOPTED Ayes 4 Welden, Edmunds, Stock, Jodway
60 Nays 0
61 Abstain 1 Lasher (wasn't present for hearing)
62

63 Resolved to adopt Local Law # 2 for the year 2005.
64

65 On a motion made by Supervisor Welden, seconded by Councilwoman Stock, the
66 meeting was adjourned at 6:58 P.M. Carried unanimously.
67
68
69

70 Mary Lou Herringshaw, Town Clerk
71
72

73 REGULAR MEETING, TOWN OF DANUBE, MAY 12, 2005
74

75 A regular meeting of the Town Board of the Town of Danube, County of
76 Herkimer and the State of New York was held at the Town Hall, 438 Creek Road,
77 Little Falls, NY on 12th day of May, 2005.
78

79 PRESENT: Charles Welden ---- Supervisor
80 Allan G. Edmunds ---- Councilman
81 Lee Ann Stock ---- Councilwoman
82 James Lasher ---- Councilman
83 Patricia Jodway ---- Councilwoman
84 Mary Herringshaw ---- Clerk
85

86 ABSENT: Leonard Pross ---- Superintendent of Highways
87

88 Supervisor Welden called the meeting to order at 7:01 P.M. with the Pledge of
89 Allegiance to the Flag.
90

91 PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS
92

At 7:03 p.m. Supervisor Welden opened the floor to public comment.

The first resident to speak was Mary Ann Aloisio. Aloisio wanted to know if the board thought any more about the culvert on Lovers' Leap Road behind her house since they did their drive around. Supervisor Welden said that they thought about it but they did have more issues with the culvert farther west on that road. Welden said they could probably look at it more when they are up there looking at the other culvert. Aloisio said she would appreciate them looking at it because every time there is rain it is washed out, which means more top soil and seeding for them. Welden said the culvert near Cyril Dobrovolc's on Lovers' Leap Road has to be fixed or the road over it should be shut down. Councilman Lasher said the road isn't safe and it could undermine. Lasher suggested shutting it down. Lasher then asked Welden where Highway Superintendent Pross was so they could ask his opinion on the road. Welden said Pross told him late that morning that he wouldn't be there for the meeting. Lasher said that puts the board in a bad situation with Pross not there to answer questions for the board or for town residents. Councilwoman Jodway said it was an accident waiting to happen and could put the town in a liability situation. Jodway said she thought it would be a great idea to shut the road down.

RESOLUTION #51

TEMPORARY CLOSURE OF A PORTION OF LOVERS' LEAP ROAD

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	

Resolved that there would be a temporary emergency closing of road to motor vehicles for safety issues until the culvert is repaired. Closure from west side of Cyril Dobrovolc's driveway, to 100 feet East of the Lane and Lovers Leap Road.

Councilwoman Jodway said she would notify the bus garage and Clete McLaughlin of the Little Falls School district.

Aloisio said another thing she wanted to discuss was spring clean up in the basin. Aloisio said there was a sizeable amount of sand on the road in front of their house and wondered why the highway department wasn't picking it up. Jodway said that Pross explained to her that there would have to be a resolution for all roads to be cleaned if the board wanted them to go around and pick up the sand in front of all houses. Lasher said that was absurd, and it should be part of routine maintenance, also stating that if they (the residents) are made to pick up the sand left in the road from winter, then next it would lead to them having to ditch themselves. Welden asked Aloisio if the men swept the basin. Aloisio said they swept but not the sluiceway and that is where they are having the clogging problem. Councilwoman Stock said she would have liked Pross there to answer these questions. Jodway said she was frustrated and mentioned it to see how the rest of the board felt. Welden

139 said if the men go up and do it there then they would have to do it everywhere.
140 Councilman Edmunds said that he agreed with that.

141
142 Jackie Gehring was the next resident to speak. Gehring said she wanted to make a
143 formal complaint about the property next door. Gehring said the property is not
144 being maintained. Gehring said this was the 3rd year that it hasn't been mowed and
145 it isn't funny anymore. Welden said he did speak with code officer LaCoppola
146 about it and he was going to look into it. Welden explained that because it was a
147 vacant lot with no building on it there might be limitations as to what could be done.
148 Welden said he would check with LaCoppola and see what he came up with.
149 Edmunds then asked Gehring if she mentioned this to the landowners. Gehring said
150 no but it isn't a neighborly thing to do. Gehring said it is an eyesore and in the
151 spring anything could start off a fire.

152
153 Next resident Terry Marrone said he had two things to talk about. First he wanted
154 to refresh what he heard in the public hearing. Marrone was concerned that the
155 board made an emergency closing of a road in Fincks Basin and he wanted to know
156 if Cramer road was ever voted on and closed like that, also wanting to know the
157 status of it now. Councilwoman Stock said she would find out the status and get
158 back to them. Marrone said he was concerned with the value of his property if the
159 road was or is closed. Welden said he would talk to the town's attorney and send
160 him an email. Marrone's second issue was town cleanup. Marrone wondered if
161 there was any thought of having a town cleanup day. Welden explained that it was
162 on the agenda to discuss later that meeting and there was money put aside in the
163 budget to have a cleanup day.

164
165 Resident Fran Aloisio spoke next stating that he has spoken to several people that
166 agree that there are too many loose ends in the highway department. Aloisio
167 recommended not spending any more money on doing anything new until the old
168 jobs are done correctly.

169
170 **8:08 Public Comment was closed.**

171
172 **RESOLUTION #52**

173 **APPROVAL OF NEW AGENDA**

174 On a motion made by Councilman Edmunds, seconded by Councilman Lasher, the
175 following resolution was

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

178
179 **Resolved that the agenda for the meeting be approved.**

180
181 **RESOLUTION #53**

182 **APPROVAL OF MINUTES**

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

ADOPTED Ayes 5

Welden, Edmunds, Stock, Lasher, Jodway

Nays 0

Resolved that the minutes from April 14th 2005 be approved after line 171 be changed from the word “blanket” to “acceptance”.

At this point Councilwoman Jodway said she wanted to rescind her vote on resolution #43. Jodway said she didn’t think the check should be sent back to the insurance company. Lasher said it was too late, the check was sent back last month. Welden said it wasn’t sent back yet. Lasher said it should have gone back by now as Welden was ordered to do so at the last meeting. Welden explained that he had 180 days to cash it or send it back. Lasher reminded everyone that you may not pay more in premiums right now but eventually in the long run the premium would increase. Welden said he would recommend depositing the check into the agency account, then reimbursing the highway department for making the repairs to the truck and then writing the insurance company a check for the remaining balance. Edmunds said he was all for that recommendation. There was a heated discussion between Lasher and Welden at this point.

REPORT OF TOWN OFFICIALS

ASSESSOR

Supervisor Welden reported that the Assessor is all set but was disappointed to find that office hours are held in Herkimer instead of at the town garage.

CODES REPORT

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

TOWN JUSTICE

No one was present from the Justice Department, but there was a monthly report submitted that stated the number of tickets received 130, closed 202, and open 3003.

DOG CONTROL OFFICER

Dog Control Officer Hysack did provide Supervisor Welden with a report to distribute at the meeting for the Month of April. Jodway asked Clerk Herringshaw if she could get a report of all of the dogs licensed in the town. Jodway wanted to know how many dogs were licensed up on the hill because there are an awful lot up there. Welden said he would talk to Kathy Hysack about that.

TOWN CLERK

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

CEMETERY BOARD

Rick Mosher, cemetery board president, wasn’t present but did send a report to go over. Lasher explained that Fina Kulla wanted a new mower for the cemeteries and volunteered to go with her to get one.

231
232 **RESOLUTION #54**

233 **LAWN MOWER PURCHASE FOR CEMETERIES**

234 **On a motion made by Supervisor Welden, seconded by Councilwoman Stock, the**
235 **following resolution was**

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

238 **Resolved that Councilman Lasher accompany Fina Kulla to get a mower, Lasher to**
239 **pay for mower and then get reimbursed from the cemetery fund.**
240

241 **PLANNING BOARD**

242 **Supervisor Welden read the letter dated May 6, 2005 from the Dept. of State stating**
243 **that the planning board law was filed with the state.**
244

245 **SUPERVISOR'S REPORT**

246 **RESOLUTION # 55**

247 **CORRECTED MARCH MONTHLY REPORT**

248 **On a motion made by Councilman Edmunds, seconded by Councilwoman Jodway,**
249 **the following resolution was**
250

251 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
252 **Nays 0**
253

254 **Resolved to accept the corrected March's Monthly Report from Supervisor Welden.**
255

256 **RESOLUTION # 56**

257 **MONTHLY REPORT**

258 **On a motion made by Councilwoman Stock, seconded by Councilwoman Jodway,**
259 **the following resolution was**
260

261 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
262 **Nays 0**
263

264 **Resolved to accept April's Monthly Report from Supervisor Welden.**
265

266 **HIGHWAY SUPERINTENDENT**

267 **Highway Superintendent wasn't present but did submit a report for the board to go**
268 **over. There was a quote from Utica Mack to rebuild the motor in D-3 and several**
269 **other quotes for road work. Pross was not present to discuss any of them.**

270 **Edmunds questioned what they should do without Pross there. Lasher said they**
271 **should finish what they have going on first, questioning Cronkhite Road. Welden**
272 **said tearing it up might be something to seriously consider. Lasher said he was all**
273 **for that. Welden asked the board what would really go to pieces if they didn't do**
274 **any major roadwork this summer. Lasher suggested doing emergency services and**
275 **general maintenance without doing any oil or stoning. Fran Aloisio then said there**
276 **was a lot of preliminary work to do in the town and that should be done first, like**

ditching all roads, cleaning culverts. The board agreed to meet with Pross on May 19th at 9:00 a.m. to get the highway section finished.

Welden then mentioned a call he got from Dennis Korce telling him that the county is out of workers compensation. Municipalities would be on their own in terms of securing workers compensation beginning on January 1, 2006.

OLD BUSINESS

16c. Welden said he would like to get the old boiler out of the back room and asked the board for suggestions.

16i. RESOLUTION # 57

POSSIBLE CONTAMINATION LETTER

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 to have Supervisor Welden send letter he wrote with the help of Attorney for the Town J. Peter Doherty to both Edward Heinrich, Regional Director of the Office of Parks, Recreation, and Historic Preservation, and Lawrence Frame, Director of the Canal Corporation dealing with possibility of contaminated fill material being removed and redistributed as a result of the new bike trail construction. The Town of Danube will request testing of the material by a NYSDEC or USEPA certified testing laboratory to determine the degree of contaminants present in the material.

NEW BUSINESS

17b.

RESOLUTION #58

RESCIND RESOLUTION #43

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

ADOPTED Ayes 3 Welden, Edmunds, Jodway
 Nays 2 Stock, Lasher

Be it hereby resolved that resolution #43 from 2005 be rescinded.

RESOLUTION # 59

TABLE DISCUSSION

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

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

Nays 0

Resolved to table all further discussion of Resolution # 43.

17c. Supervisor Welden then explained that the Trojan loader purchased in 1970 recently had one tire split on the inside and it wasn't fixable. Welden said that there were 2 options: buy 2 tires for the front or buy 4 tires. Welden said years ago there was a safety issue with the tires. Welden explained that the loader is only used as a secondary piece of equipment in the summer and in the winter it is used for snow blowing (although because of the mild weather this past winter it was not used very much). Welden needed to know if the board wanted to get two or four new tires, stating that the price of 4 would be \$2775 to install (up to an hour time spent on each) from 4 Season Tires in Ilion. Welden said he felt they should get 4 new tires. Lasher thought they should only get 2 for the front. Lasher said that if a person at home had to replace a tire on a vehicle they wouldn't replace all four if they didn't need it. Edmunds said he thought they should replace all 4 tires. Welden then stated that the quote was for one hour spent on each tire and if the condition of the rims required more time then it would be billed at \$80.00 per hour.

RESOLUTION #60

LOADER TIRES

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

ADOPTED	Ayes 3	Welden, Edmunds, Jodway
	Nays 1	Lasher
	Abstain	Stock

Be it hereby resolved that Highway Superintendent is to purchase 4 tires at the agreed on price for the loader (with additional cost if condition of rims requires additional time.)

17d. Table discussion of the trash pickup day until the May 19th 9:00 a.m. meeting.

17e. RESOLUTION # 61

PLANNING BOARD APPOINTMENT

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 to appoint Catherine Lyon to the Planning Board.

17g. Clerk Herringshaw to contact David Ward to see if he is interested in sitting on the Board of Assessment Review.

18. RESOLUTION # 62

JUSTICE CLERK CONFERENCE

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

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

Resolved to allow Justice Clerk Miller to attend the Albany Conference and reimburse her for tolls and mileage only.

20. Warrants

RESOLUTION # 63

PAY ABSTRACTS FOR MONTH

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

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 0501 through #0513 for general warrants and #'s 0501 through # 0516 for highway warrants.

On a motion made by Councilwoman Jodway, 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, MAY 19, 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 the 19th day of May, 2005.

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

ABSENT: James Lasher ---- Councilman

415 Lee Ann Stock ---- Councilwoman

416

417 Supervisor Welden called the meeting to order at 9:02 a.m.

418

419 **RESOLUTION # 64**

420 **B.A.R. APPOINTMENT**

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

423

424 **ADOPTED Ayes 3 Welden, Edmunds, Jodway**

425 **Nays 0**

426

427 **Resolved to appoint David Ward to the B.A.R. replacing Lois Miklich who recently**
428 **resigned.**

429

430 **Highway Superintendent Pross started out by saying there was good news from**
431 **Albany regarding the chips program. Pross said we were awarded \$20239 for 2005,**
432 **which is up \$972 from 2004.**

433

434 **9:13 Councilwoman Stock arrived.**

435

436 **At this point the board and Pross went over highway agreements for 2005.**

437

438 **The first agreement they looked at was the Routine/General Maintenance Road**
439 **Agreement that consists of 4.95 miles of unpaved roads in the town. Pross said the**
440 **work would involve using gravel, raking, grading, rolling, spot ditching and using**
441 **crusher run on Dingman Hill, Canal Lock, Florian, Frog City, Mussmaker and**
442 **West Fiery Hill Roads. Pross was told that anything that comes up unexpected or if**
443 **he has to go over any of the amounts listed for any of the highway agreements**
444 **(including those other than routine maintenance) he would have to notify the board**
445 **so they could get a meeting planned, at such a meeting amendments to any of the**
446 **highway agreements could be considered. Pross agreed.**

447

448 **RESOLUTION # 65**

449 **HIGHWAY AGREEMENT #1**

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

452

453 **ADOPTED Ayes 4 Welden, Edmunds, Stock, Jodway**

454 **Nays 0**

455

456 **Resolved to adopt Highway Agreement # 1 as presented for \$14760.00 for labor and**
457 **material for general routine maintenance on 4.95 miles of unpaved roads in the**
458 **town. Using only the town's machinery.**

459

460 **RESOLUTION # 66**

HIGHWAY AGREEMENT #2

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

**ADOPTED Ayes 4 Welden, Edmunds, Stock, Jodway
Nays 0**

Resolved to adopt Highway Agreement # 2 as presented for \$4552.35 for labor and materials for the culvert replacement on West Fiery Hill Rd. Using only the town's machinery.

RESOLUTION # 67

HIGHWAY AGREEMENT #3

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

**ADOPTED Ayes 4 Welden, Edmunds, Stock, Jodway
Nays 0**

Resolved to adopt Highway Agreement # 3 as presented for \$5046.00 for labor and materials for the work on Dingman Hill Rd. Using only the town's machinery.

Next there was a discussion on "the big 4" roads, Old Herkimer, Tisi, Schalls Hollow and N. Gardinier. Pross said they needed an oil and stone mixture to fill holes then a layer of 1A's as part of a single surface treatment.

RESOLUTION # 68

HIGHWAY AGREEMENT #4

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

**ADOPTED Ayes 4 Welden, Edmunds, Stock, Jodway
Nays 0**

Resolved to adopt Highway Agreement # 4 as presented for \$14605.76 for material and labor including oil spreading machinery supplied by the vendor, the town's trucks, spreaders and roller will be used for the work on Old Herkimer Rd., Tisi Rd., Schalls Hollow Rd., and N. Gardinier Rd.

RESOLUTION # 69

HIGHWAY AGREEMENT #5

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

**ADOPTED Ayes 4 Welden, Edmunds, Stock, Jodway
Nays 0**

507
508 **Resolved to adopt Highway Agreement # 5 as presented for \$2272.00 to crack seal**
509 **Finks Basin Rd.**

510
511 **Next there was a discussion on the culvert on Lovers' Leap Rd. Jodway mentioned**
512 **replacing the whole culvert and doing it right so that it doesn't need more work.**
513 **Pross said he didn't feel that the whole thing needed to be replaced and that it**
514 **should be all right if they replaced the pipe on the end. Stock said if we patch it up**
515 **now there could be bigger problems later down the road. Welden said that he**
516 **thought replacing the whole thing would be a good idea. Welden said he thought**
517 **that Councilman Lasher would want the whole thing replaced from previous**
518 **conversations that the two had had. Edmunds said it is a good idea to replace the**
519 **whole thing but down the hill you only have a small pipe for the water to go in. The**
520 **board asked Pross to get more information on replacing the whole culvert instead of**
521 **repairing the end for another special meeting to be held Tuesday May 24th at 9:00**
522 **a.m.**

523
524 **Next there was a discussion on the Spillway up at Lovers' Leap Road. The work**
525 **would involve repairing the over flow spillway at Lovers' Leap Rd., including**
526 **shaping, ditching, installing fabric and placing rip rap. Horender Construction**
527 **submitted a quote for \$986 with the town providing materials.**

528
529 **RESOLUTION # 70**

530 **SPILLWAY ON LOVERS' LEAP ROAD.**

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

533
534 **ADOPTED Ayes 3 Welden, Edmunds, Stock**
535 **Nays 0**
536 **Abstain 1 Jodway**

537 **Resolved to have Horender's do finish work on RipRap on Western Part of West**
538 **Lovers' Leap Road for approximately \$1700.00.**

539
540 **Pross to get FEMA to inspect at completion.**

541
542 **Pross then said there would be an open house for the Highway Department on**
543 **Friday June 17th from 1:00 – 6:00 pm.**

544
545 **Trash Day was set for Friday July 29th from 8:00 a.m. to 4:00 p.m. and Saturday**
546 **July 30th from 9:00 a.m. to 2:00 p.m.**

547
548 **RESOLUTION # 71**

549 **BACKHOE INJECTOR PUMP**

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

552

ADOPTED Ayes 4 Welden, Edmunds, Stock, Jodway
Nays 0
Resolved to have Pross get injector pump for Backhoe fixed through Ralph's Diesel
in Cazenovia.
On a motion made by Councilman Edmunds, seconded by Councilwoman Stock, the
meeting was adjourned at 12:22 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

SPECIAL MEETING, TOWN OF DANUBE, MAY 24, 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 the 24th day of May, 2005.

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

ABSENT: Lee Ann Stock ---- Councilwoman

Supervisor Welden called the meeting to order at 9:02 a.m.

There was a discussion about whether to repair or replacement of the culvert on
Lovers' Leap Road. Supervisor Welden explained that there was not enough money
in the budget to do this job so they would have to transfer money from the sales tax
portion of the general fund. Welden said the shortage was \$11,873.12. Councilman
Lasher asked if there was anything from Cyril Dobrovolc in writing saying we could
go across his property. Lasher also asked about safety issues and wanted to know
exactly what was going to be done because it wasn't broken down anywhere.

Councilwoman Stock arrived at 9:08 a.m.

The new price to replace the culvert would be an additional \$1520.00 to increase the
pipe from 60 foot to 80 foot. The new shortage would be \$13,393.12 that would
have to be transferred from the general fund.

RESOLUTION # 72
HIGHWAY AGREEMENT #6

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

601
602 **ADOPTED Ayes 4 Welden, Edmunds, Stock, Jodway**
603 **Nays 0**
604 **Abstain 1 Lasher**
605

606 Resolved to adopt Highway Agreement # 6 as presented for \$25,377.40 (price
607 including the proposal from Horender Construction of \$9475.00 with the town to
608 provide all materials) to replace culvert on Lovers' Leap Road (see agreement #6
609 for details).

610
611 **RESOLUTION # 73**

612 **HIGHWAY AGREEMENT #7**

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

615
616 **ADOPTED Ayes 3 Welden, Edmunds, Stock**
617 **Nays 0**
618 **Abstain 2 Lasher, Jodway**
619

620 Resolved to adopt Highway Agreement # 7 as presented for \$2786.00 to fix Lovers'
621 Leap Spillway as submitted including town equipment and labor.

622
623 At this point Councilman Lasher asked all of the board members and Highway
624 Superintendent Pross if anyone was making comments about him to residents in the
625 town. Lasher said he has been hearing in several different places that someone from
626 town government is suggesting that Lasher is getting kickbacks for being a
627 councilman in the town. Lasher asked if anyone made the statement that he is
628 getting a reward or payoff because he got landfill and the town didn't get any.
629 Supervisor Welden said that he got initially involved because of a complaint of
630 heavy trucks using Fincks Basin Road. When Welden spoke with Robert Haberek
631 he said that as soon as they were done delivering down there they would go back to
632 driving on Rte. 169. Haberek then told Welden that there was someone down River
633 Road. that would be getting fill also. Welden asked if it was Harold Leroy and
634 Haberek never commented on who was getting the fill. Welden said several days
635 later Dale Carlson of Slate Hill Construction came in his yard. Welden assumed it
636 was about the hay Welden told them he had. Carlson then questioned Welden
637 about the fill going down River Road. Welden said yes about 40 or 50 loads had
638 gone by. Carlson replied, "All of that." Altogether 2300 cubic yards of materials
639 were removed from the rail bed in Fincks Basin according to Carlson. Welden then
640 told Lasher that there was an area farmer who was hot to get the rail bed back as
641 part of his property. However, he got to the point that he decided not to go forward
642 because of the possibility of contamination and the liability to clean it up. Welden
643 then told Lasher that who received the material was not the major concern at this
644 point. Welden said the concern is to find out if it is contaminated. Lasher then said

645 that he wanted everyone to know that he didn't go looking for fill, there was a
646 message on his machine from Carlson saying they needed a place to dump hard fill.
647 Lasher said he doesn't like that people are stating that he got a kickback.
648 Lasher asked Pross if he said anything like that to anyone. Pross said he had people
649 that came to him and asked him he never approached anyone. Lasher asked who
650 because he wanted to get to the bottom of who is saying this about him. Pross said
651 Pat Kelly and Bob Miklich both came to him and asked why Lasher was getting fill
652 and they weren't. Pross said he didn't even know it was going up to Lasher's until
653 they told him. Pross said he asked for fill for residents that needed it and for the
654 town and he was told that it had to stay on the rail bed or go to a waste site. Pross
655 said it was only after people were asking him why Lasher got it that he drove to see
656 if it was going there. Lasher told Pross if the town needs it and wants it then the
657 town can come and remove it and have it all, as long as it isn't contaminated.
658 Lasher said he would rather the town have it as long as it isn't contaminated than to
659 have anyone saying he is getting a payoff. Stock said that it is ridiculous if someone
660 is spreading that around about Lasher and she doesn't blame him for wanting to get
661 to the bottom of it. Lasher pointed out that the fill wasn't a freebee and he will have
662 to pay a lot to have it all covered. Both Jodway and Edmunds said it wasn't them
663 saying it and if they had a problem with Lasher they would go to him directly.
664 Jodway also said that if it isn't contaminated and they get more maybe it could be
665 spread around to people who want it. Welden and Lasher both said that Carlson
666 told them that they wanted to get rid of it as cheaply as possible. Lasher also said
667 that Heberrek said they wouldn't piecemeal it. They wanted someone to take all of it
668 or nothing at all. Stock finished by telling Lasher that anything I say about you
669 would be right to you.

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671 On a motion made by Councilman Edmunds, seconded by Supervisor Welden, the
672 meeting was adjourned at 11:01 A.M. Carried unanimously.
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Mary Lou Herringshaw, Town Clerk
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