

1 **REGULAR MEETING, TOWN OF DANUBE, JUNE 09, 2005**

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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 9th day of June, 2005.**
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7 **PRESENT:** Charles Welden ---- Supervisor
8 Allan G. Edmunds ---- Councilman
9 Lee Ann Stock ---- Councilwoman
10 James Lasher ---- Councilman
11 Patricia Jodway ---- Councilwoman
12 Eileen Warner ---- Deputy Clerk
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14 **ABSENT:** Leonard Pross ---- Superintendent of Highways
15 Mary Herringshaw ---- Clerk
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17 Supervisor Welden first had a moment of silence in memory of Clyde Mosher,
18 brother of Bernard Mosher, Town Employee whose passing occurred June 8, 2005.
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20 Supervisor Welden called the meeting to order at 7:00 P.M. with the Pledge of
21 Allegiance to the Flag.
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23 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**
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25 **At 7:02 p.m. Supervisor Welden opened the floor to public comment.**
26

27 **The first resident to speak was Blair Frasier who identified himself as representing**
28 **D.R.A.G., Frasier asked how did material get off the railroad bed and is it**
29 **contaminated also asking why it was dumped in the town at two residents. Frasier**
30 **then said D.O.T. said this is not contaminated and then asked why it wasn't given to**
31 **the town for highway use. Councilman Lasher asked Frasier what they are going to**
32 **do about the 60% that was dumped at the Herkimer Home Site. Supervisor Welden**
33 **said that this in another issue.**
34

35 **The next resident to speak was Michael Weiner who asked why Dog Control Officer**
36 **Kathy Hysack, isn't doing anything about all of the dogs at the residents camp up**
37 **on the hill at the West End of Lovers' Leap Road. Weiner said there must be 60**
38 **dogs running around and none are licensed. Supervisor Welden said he would ask**
39 **Kathy to go up again. Weiner then stated he asked for some fill from the railroad**
40 **bed and was told he couldn't have any but it went to a board member.**
41

42 **The next person to speak was Mark Warner stating that there are rumors going**
43 **around about him and trash day, Warner explained that he wanted to clarify the**
44 **rumor, stating that he would be here for Friday but that he has a 25th anniversary**
45 **party to go to on Saturday that is family. Warner was told by Highway**
46 **Superintendent Leonard Pross that it would be in his best interest to be there.**

Warner expressed that when he has asked the board for things in the past he was ignored also stating the pension was never offered to him when he was hired. Warner said he doesn't have a problem with helping with trash cleanup day, he does hope that it doesn't get out of hand.

The next resident to speak was John Jennette. Jennette said regarding 2300 cubic yards of material taken from the railroad bed he wondered why the town didn't ask for the material to use for fill. Jennette said that Pross asked about using it but was told it was contaminated. Jennette feels there is misconduct with Councilman Lasher and wants to know what the board is going to do about it. Supervisor Welden asked for information on names and sources and to turn that information over to Welden.

7:30 Public Comment was closed.

RESOLUTION # 64

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 # 65

APPROVAL OF MINUTES

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

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

Resolved that the minutes from May 12th, 2005 be approved up to line 70 as submitted.

At this point Councilman Lasher asked in regards to the May 12th regular meeting minutes about the 180 days to return the insurance check. Lasher wanted to know what was done. Supervisor Welden said that resolution #59 was tabled.

RESOLUTION # 66

APPROVAL OF MINUTES

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 minutes from the regular meeting on May 12th, 2005 be approved after line 70 be as submitted.

RESOLUTION # 67

APPROVAL OF MINUTES

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

Resolved that the minutes from the special meeting on May 19th starting on line 402 be submitted as approved.

RESOLUTION # 68

APPROVAL OF MINUTES

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 that the minutes from the special meeting on May 24th be submitted as approved after changing line 667 from Haberek to Carlson.

REPORT OF TOWN OFFICIALS

ASSESSOR

Supervisor Welden reported that the Assessor sent an email to him stating that the tentative 2005 State equalization rate for the Town of Danube is 80.63.

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 189, closed 217, and open 2975. Justice Clerk Miller and Justice Horender were both present for the meeting and Miller mentioned that ADMIT Computer Corp., a new company, has taken over MCS the former court software provider. The cost to convert all records and train the court staff on the new program will be \$750.00, which is a onetime fee. The yearly maintenance for this program will be \$750.00 which ADMIT will waive for the first year, as Miller has been asked to be a tester for the new court software program.

RESOLUTION # 69

APPROVAL OF COURT SOFTWARE PROGRAM

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 Town of Danube Court get the new software program offered by ADMIT.

At this point Supervisor Welden read a letter from the Town Court regarding the Town's application to receive a percentage of money seized and turned over to the Herkimer County District Attorney's Office on April 29th, 2005, as a result of an infraction on the NYS Thruway, in the Town of Danube.

RESOLUTION # 70

APPROVAL TO PROCEED WITH FORFEITURE OF CLAIM

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

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

Nays 0

Resolved that Town Attorney Doherty proceed with placing a claim to receive a percentage of the confiscated money.

DOG CONTROL OFFICER

Dog Control Officer Hysack did provide Supervisor Welden with a report to distribute at the meeting for the Month of May. Councilman Edmunds will be investigating the situation of many dogs located at the West End of Lovers' Leap Rd.

TOWN CLERK

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

CEMETERY BOARD

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

PLANNING BOARD

No report submitted.

SUPERVISOR'S REPORT

RESOLUTION # 71

MONTHLY REPORT

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 accept May's Monthly Report from Supervisor Welden.

HIGHWAY SUPERINTENDENT

Highway Superintendent wasn't present but did submit a report for the board to go over.

The Board discussed about having a deputy highway superintendent to cover Superintendent Pross when he takes vacations or is otherwise not available. Mark Warner was asked if he would be interested in the position if asked. He said, "Yes." However, he had some questions for the Board. Supervisor Welden said he would ask Attorney Doherty about the deputy superintendent position. After the discussion concerning Highway Superintendent Pross's upcoming vacation in July, the Highway Department's Open House on June 17th from 1:00 pm – 6:00 pm, the possibility of posting Cronkhite Road for weight, and the lack of necessary information for Highway Agreement #8 (Routine Maintenance of Paved Roads in the Town) the following resolution was adopted.

RESOLUTION # 72

TABLE HIGHWAY AGREEMENT #8

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 table the signing of Highway Agreement # 8 until more information is provided by Highway Superintendent Pross.

Councilman Lasher suggested that the highway contracts should be done in the fall so that the expenses could be covered in the annual budget for the Town. It was agreed that this would be desirable.

OLD BUSINESS

16c. The town board looked at the letter Supervisor Welden received from Edward Heinrich, NYSOPRHP Regional Director.

16e. MCI Small Business Service is nearly ready to go. It appears that there will be a considerable savings in phone service costs.

16f. Supervisor Welden is going to speak to someone at JM Door about getting the panic bars and latches fixed.

NEW BUSINESS

17e. There was discussion of a possible recognition of Town of Danube Veterans. A possible memorial monument is being considered. Councilman Lasher will be looking into this possibility.

18. RESOLUTION # 73

NYSTCA MEMBERSHIP

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

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

Resolved to renew the town clerk's annual membership to the NYSTCA.

At this point the board went over the letter sent by Donald Van Patten, District Director of the NYS Department of Health to Judge Christine C. Traskos NYS Department of Health, Bureau of Adjudication concerning numerous violations at the Homestead Trailer Park. The board asked Supervisor Welden to check with Attorney Doherty to see if the Town should be following up on this.

20. Warrants

RESOLUTION # 74

PAY ABSTRACTS FOR MONTH

On a motion made by Councilwoman Jodway, seconded by Councilman Lasher, 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 0601 through #0624 for general warrants and #'s 0601 through # 0619 for highway warrants.

On a motion made by Councilwoman Jodway, seconded by Councilman Lasher, the meeting was adjourned at 10:29 P.M. Carried unanimously.

Eileen Warner, Deputy Town Clerk

SPECIAL MEETING, TOWN OF DANUBE, JULY 5, 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 5th day of July 2005.

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

ABSENT: Lee Stock ---- Councilwoman
James Lasher ---- Councilman

Supervisor Welden called the meeting to order at 9:00 a.m. with the pledge to the flag.

There was a discussion about the position of Deputy Highway Superintendent. Highway Superintendent Pross stated that he would like to have a deputy appointed for the duration of his absence from July 5th through July 20th, returning to work on July 21st. Pross said that under the circumstances Senior Highway Employee Mark Warner wouldn't be available the entire time so Pross suggested to the board that they appoint two deputies and split it up between Warner and Bernard Mosher. Pross explained that Mosher is available and local while the other two are away. Pross said that he spoke with the men and they were in agreement with the plan. Pross said his idea is to appoint them with no pay increase but other towns have paid each deputy a 25 cent increase added to their hourly rate of pay. Pross stated that the men are on vacation now and would be back to work on July 12, 2005.

RESOLUTION #
DEPUTY HIGHWAY SUPERINTENDENT

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

ADOPTED Ayes 3 Welden, Edmunds, Jodway
Nays 0

Resolved to establish 2 Temporary Deputy Highway Superintendents @ 25 cents per hour added to their regular salaries for the time Highway Superintendent Pross is gone from 7-5 through 7-14 and then from 7-15 through 7-20. The position to terminate upon Highway Superintendent Pross's return.

9:17 a.m. Councilwoman Stock arrived.

At this point there was a discussion about highway road agreement #8, Routine Maintenance of the Non-dirt Town Roads. Pross explained that he would like to use the wage money from Highway 1 for this project if time permits. There would be no expenditure of funds for materials. Only the Town's equipment and existing materials would be used.

RESOLUTION #
HIGHWAY AGREEMENT #8

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

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

323
324 **Resolved to accept Highway Agreement #8 as modified during the meeting.**
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326 **Supervisor Welden then mentioned that there is a request to change antennas on**
327 **one of the cell towers in town. The Town's cell tower consultant, Richard Comi of**
328 **Telecomsol, has been contacted and will arrange for the permit application process**
329 **to begin. Under the cell tower law, the modification will require a special use permit**
330 **at a fee of \$2,000 and an escrow deposit of \$7,500.**
331

332 **Welden also presented the board members with copies of second a letter sent to the**
333 **NYS Canal Corporation concerning the removal of possibly contaminated material**
334 **from the bicycle trail to private properties within the town, for them to look over**
335 **before the regular meeting on July 14th.**
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337 **With no further business, on a motion made by Councilman Edmunds, seconded by**
338 **Councilwoman Jodway, the meeting was adjourned at 9:33 a.m. Carried**
339 **unanimously.**
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Mary Lou Herringshaw, Town Clerk
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