

1 **REGULAR MEETING, TOWN OF DANUBE, AUGUST 11, 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 11<sup>th</sup> day of July, 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 Eileen Warner who wanted to let the board know**  
24 **that the election inspectors are going to schooling on the 15<sup>th</sup> of August at 6:00 p.m.**  
25

26 **The next resident to speak was Carolyn McPeak from Tibbitts Road, who told the**  
27 **board that she had concerns about the article in the paper. McPeak said she found**  
28 **it disturbing to read and felt like Highway Superintendent Pross was being**  
29 **railroaded. She said she thinks Pross is doing a great job. McPeak commented that**  
30 **the clean up that was just held town wide was a great for the town and it seems to**  
31 **her that Pross really cares about the town. McPeak also said that Pross and the**  
32 **highway crew do a great job and Danube is beautiful and they love being here.**  
33 **Supervisor Welden explained that the minutes from the board meeting are sent to**  
34 **the Evening Times and then the Evening Times choose and pick what they want to**  
35 **publish.**  
36

37 **Justice Clerk Miller was the next one to speak. Miller said she wanted to give some**  
38 **clarity to the section of the previous minutes from lines 222 to 225. Miller said that**  
39 **it seems like the board is negative to the highwaymen and it was actually Miller who**  
40 **asked for the help with the door that didn't unlock. Miller said that the men did try**  
41 **and fix it but she couldn't open it prior to them working on it.**  
42

43 **7:22 Public Comment was closed.**  
44

45 **RESOLUTION # 87**  
46 **APPROVAL OF NEW AGENDA**

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

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

51  
52 Resolved that the agenda for the meeting be approved.

53  
54 **RESOLUTION # 88**

55 **APPROVAL OF MINUTES**

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

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

60 Resolved that the minutes from July 14<sup>th</sup>, 2005 be approved.

61  
62  
63 **RESOLUTION # 89**

64 **APPROVAL OF MINUTES**

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

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

69 Resolved that the minutes from the special meeting on July 20<sup>th</sup>, 2005 be approved  
70 as submitted.

71  
72 **REPORT OF TOWN OFFICIALS**

73  
74 **ASSESSOR**

75 Supervisor Welden explained that the final equalization rate from the state went  
76 from 90.49% down to 80.63%, a tremendous decrease, which will result in about a  
77 10% increase in taxes for the schools and the county. Welden said it would also  
78 affect the STAR program because the full exemption amount is based on the  
79 equalization rate being 100%. Welden said that he spoke with Herkimer County  
80 and was told the only way to overcome it is to do a revaluation but then the people  
81 will get hit with a huge increase in their assessment. Welden said that the county  
82 would do a revaluation but it will cost the town a lot of money to have it done.

83  
84 **CODES REPORT**

85 Supervisor Welden went over the report from Codes Enforcer Steve LaCoppola  
86 pointing out that LaCoppola would like the board to approve him getting a digital  
87 camera for the codes department. Councilman Lasher asked if anyone knew what  
88 happened to the two cameras that the town had purchased for the codes department  
89 before LaCoppola became Codes Enforcer.

90  
91  
92 **RESOLUTION # 90**

93 **CODES DEPARTMENT CAMERA**

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

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

98 **Resolved that a digital camera be purchased for the codes department for a price**  
99 **not to exceed \$100.00.**

100  
101 **TOWN JUSTICE**

102 **Supervisor Welden went over a monthly report submitted by the justice department**  
103 **that stated the number of tickets received 108, closed 112, and open 2957. Justice**  
104 **Clerk Miller then explained to the board that she had received a scholarship from**  
105 **Admit Computer Company to attend the NYS Association of Court Clerk**  
106 **Conference from September 25 to September 28, 2005. Miller said the scholarship**  
107 **was \$687.00 and all she would need from town funds would be mileage**  
108 **reimbursement in the amount of \$176.00 for around 400 miles. Miller asked for**  
109 **permission to attend the conference from the board because she hasn't been allowed**  
110 **to go in the past. Welden said it seemed reasonable since the company had put**  
111 **enough faith in Miller to give her the scholarship. Lasher explained to Miller that**  
112 **the board isn't against Miller getting educated, but explained that the justice**  
113 **department is the responsibility of the justice. Lasher further explained that there**  
114 **is a lot of towns that don't have justice clerks and in actuality the justice should get**  
115 **the training and come back and pass it on to the clerks. Lasher also mentioned that**  
116 **looking over the report that was submitted, it showed that the court took in 108**  
117 **tickets for the month and Lasher reminded the board that when Lasher was justice**  
118 **the town took in 103 per week and it was up to Lasher to get training and pass it on**  
119 **to his clerk. Lasher then said he is not against Miller getting training but explaining**  
120 **why training has been turned down in the past. Miller agreed that judges are in**  
121 **charge of the department but clerk's training is also important. Lasher said he is in**  
122 **favor of her training.**

123  
124  
125 **RESOLUTION # 91**

126 **JUSTICE CLERK CONFERENCE**

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

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

131 **Resolved that Justice Clerk Miller be permitted to attend the Justice Clerk**  
132 **Conference in Niagara Falls from September 25<sup>th</sup> to September 28<sup>th</sup> and be**  
133 **reimbursed for the mileage incurred for that trip.**

134  
135 **DOG CONTROL OFFICER**

136 **Dog Control Officer Hysack did provide Supervisor Welden with a report to**  
137 **distribute at the meeting for the Month of July. Hysack then told the board that the**  
138 **dogs in Finks Basin are all licensed and Hysack herself went to the City Clerk's**

Office to see the official licenses. Hysack said that there are only 8 dogs up there and 2 puppies. Councilwoman Jodway questioned why the owner of the dogs signed none of the licenses and said she would go to the City clerk's office tomorrow to find out. Jodway is also going to get a copy of their leash law while she is there.

#### **TOWN CLERK**

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

#### **CEMETERY BOARD**

Rick Mosher, cemetery board president, wasn't present but did send a report to go over stating that Bob Drummond has requested that the town continue to clean up the cemetery that the town cleaned in the spring. Councilwoman Stock said that it is private property and the town really can't do it. Welden said that they would need formal permission. Lasher stated that the other cemeteries that are taken care of by the town partially come out of the perpetual money left to the town for that purpose.

#### **PLANNING BOARD**

No report submitted but Welden stated they should run an article in the paper soon stating that the board is looking for two additional planning board members. Welden said he would send around the notice after he had it written up.

#### **SUPERVISOR'S REPORT**

##### **RESOLUTION # 92**

##### **MONTHLY REPORT**

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 accept July's Monthly Report from Supervisor Welden.**

#### **HIGHWAY SUPERINTENDENT**

Highway Superintendent wasn't present but did submit a report for the board to go over. Welden said that the report is straightforward. Lasher then asked if the report is straightforward, could someone tell him what work was done in the gravel bed that was reported as being done. Lasher then addressed McPeak telling her that they are not out to bash Pross but these are questions that they need answers to. Lasher then told McPeak that he would bring her up to speed on why there is some tension between Pross and the board. Lasher explained that 4 years ago when Pross got the position he said he was going to quit his other job and as of yet he is still working there. The board also told him they would need him to attend the meetings and he hasn't done that either. Lasher said there is a lot more to it also and he

expressed to McPeak that he would hope she would start attending meetings to see exactly what is going on. Lasher said he is not there to bash on purpose but if there were a question for the town highway superintendent to answer then he would like him there to answer it. Welden then said that yesterday Pross stopped by Randall Implement and they have a used sickle bar mower for \$1795 and it is in good shape. Jodway said that the town definitely needs a mower but it would have to be inspected first. Welden said he saw one advertised and it looked good but someone would have to drive to PA to take a look at it. After discussing the one that Welden told them about Lasher pointed out that they don't have the same answers about the one that Pross looked at so they can't make a decision, because Pross isn't there to answer questions. Welden said that as an FYI he printed out the amount of money spent in the last few years to Vestal. Eileen Warner asked if the town was getting finance charges added to the outstanding balance. Lasher said that when Edmunds, Welden, Pross and he went up to look at the road work with Vestal on Cronkhite Road two years ago, Vestal said they were going to reimburse the town 75% of that money because of poor work and the town hadn't seen that money yet so he would doubt that they would turn around and charge the town a finance charge.

#### **OLD BUSINESS**

16a. Welden said the final copy of the report from George Bunk has been received, but they are still waiting for the wording that he offered the town as a guide to submitting an RFP for the Lovers' Leap Road surveying.

16b. Welden said he talked with Dave Augar about the handicap bathroom and would speak to him again.

16e. MCI Small Business Service is up and running but Welden said they were still waiting for the tax charges to be straightened out. Welden also said that there has to be an adjustment to the price per minute on the court line from 10 cents down to 6 cents. Both Stock and Jodway looked into getting a voice mail system up and running for the town and it looks like the best choice at this point would be with MCI. Each official/department would get an individual voice box along with a pin number and an 800 number to call and retrieve any messages for that department. The fee would be \$7.50 per month for the first box and .50 cents a month extra for additional boxes. Welden said he would go ahead and see about setting it up.

16f. Jodway said that the panic bar mechanism problem has been on the agenda for long enough, asking if we could please get it taken care of. Jodway is going to talk to Frank Albrecht about it.

16i. Trash pickup day cost \$1853.75. Crews' Junk Yard did not charge the town for the two bins that they placed over at the garage for tin and scrap. 73 residents took advantage of the day. Stock said the only complaint she heard was that there wasn't enough 'PR'. Jodway reported that not one thing was left over there during the night and the end result was a lot of people were happy. Edmunds said we have enough money put aside to do one in the fall also. Welden said the next time there

231 should be a newsletter going out to all residents. Welden said that Terry Marrone  
232 offered to help on a newsletter. Welden also said that each department would be  
233 asked to submit something. Lasher asked why the report didn't have Mark Warner  
234 down for any pay from trash day. Welden said Warner didn't work on trash on  
235 Friday and didn't work on Saturday

236  
237 16j. Welden said that the escrow account for the cell tower antenna modification  
238 was set up. Welden also stated that Dick Comi set up a conference phone call  
239 instead of a pre-authorization meeting this time. The planning board will become  
240 involved when the application is submitted.

241  
242 **NEW BUSINESS**

243  
244 17a. Welden said he would get a time from Insurance Agent Tim Day to go over  
245 Workers Compensation Insurance. Welden also asked Lasher to look into other  
246 options and to let him know if he found someone.

247  
248 17b. The Board had a discussion on the North Gardinier Road Loop. Lasher said  
249 that Tim Demeree first called him at home and left a voice mail, which Lasher  
250 saved. Demeree questioned why the loop wasn't getting oiled and stoned like the  
251 rest of the road. Welden said that Demeree called him also and stopped by his  
252 place. Demeree said initially that the highwaymen told him that Lasher said they  
253 couldn't do it up there. Demeree apparently wouldn't let any of the trucks on his  
254 property causing them to have to back down the road (including the oil truck).  
255 Welden said it needs to be straightened out and if the Town is offered the loop as  
256 part of the Town's right of way, the Town Board have to decide if it would be best  
257 for the town to accept it. Lasher reminded the board that the town has a right of  
258 way that goes all the way to the Thruway property. Jodway said it really boils down  
259 to the lawyer being present at the meetings to answer these questions. Welden said  
260 he would have to set up a special meeting for the Demerees, Attorney Doherty, Pross  
261 and Town Board to discuss it further. Welden then wanted to make note that the  
262 minutes in the paper said only the amount approved for the culvert on Lover's Leap  
263 Road but the amount actually spent so far is \$16,258. Welden said that doesn't  
264 include black topping but suggested they wait a year to see how much settles  
265 anyway. Putting a tonnage limit on the road was suggested. Welden said there  
266 should be one as the road is only a shortcut for tankers. Lasher then mentioned that  
267 the round pipe (Lovers' Leap Road Culvert) that was just replaced is becoming oval  
268 or egg shaped, stating that it should be looked at.

269  
270 17c. Jodway will look into the City of Little Fall's Leash Law for Dogs and Barking  
271 Law and Edmunds will look into the Village of Dolgeville's.

272  
273 18.

274 **RESOLUTION # 93**

275 **JUSTICE CONFERENCE**

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 approve attendance for Justice Loren Horender to attend NYS Magistrates Association Conference from September 25<sup>th</sup> to September 28<sup>th</sup> at a cost of \$229 per night and \$50 for conference cost.**

**The board discussed Highway Superintendent Pross's request to attend a conference in Lake Placid on September 13<sup>th</sup> and 14<sup>th</sup>. Lasher said he wished Pross was there to give more details about the conference because in the past when Pross got approval, he decided not to go because another Superintendent wasn't going and then on another occasion he came home a day early.**

**RESOLUTION # 94**  
**HIGHWAY CONFERENCE**

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

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

**Resolved to table a decision on Highway Superintendent Pross attending the September Conference in Lake Placid until more information can be received from Pross.**

**20. Warrants**

**RESOLUTION # 95**  
**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 0801 through 0823 for general warrants and #'s 0801 through 0812 for highway warrants.**

**On a motion made by Supervisor Welden, seconded by Councilwoman Jodway, the meeting was adjourned at 10:49 P.M. Carried unanimously.**

---

**Mary Lou Herringshaw, Town Clerk**