

ORGANIZATIONAL MEETING, TOWN OF DANUBE, JANUARY 2, 2006

An organizational 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 2nd day of January 2006.

Supervisor Welden called the meeting to order at 12:15 pm with a moment of silence in honor of Linda Lambertson, Councilwoman Stock's mother who passed away recently and the Pledge of Allegiance, following the "swearing in" of newly elected officials Justice Loren Horender, Councilwoman Patricia A. Jodway, Councilwoman Lee Ann Stock, Supervisor Charles M. Welden, Town Clerk Mary Lou Herringshaw, Tax Collector Mary Mosher. Councilman James Lasher administered the oath of office.

PRESENT: Charles Welden ---- Supervisor
Allan G. Edmunds ---- Councilman
Lee Stock ---- Councilwoman
James Lasher ---- Councilman
Patricia Jodway ---- Councilwoman
Mary Herringshaw ---- Clerk

ABSENT: Leonard Pross ---- Highway Superintendent

RESOLUTION #1

OFFICIAL DEPOSITORIES

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

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

Resolved that Bank of America of Little Falls, and Partners Trust of Little Falls, Adirondack Trust of Little Falls and Citizens Bank of Herkimer be designated official depositories for the Town of Danube for the year 2006.

RESOLUTION #2

OFFICIAL BONDS

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 Town Officials be bonded as listed.

Supervisor	\$16,000.00
Tax Collector	\$49,000.00
Town Clerk	\$10,000.00
Town Justice	\$10,000.00
Highway Superintendent	\$10,000.00
Justice Clerk	\$10,000.00

52 RESOLUTION #3

53 **OFFICIAL NEWSPAPER**

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

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

58
59 Resolved that both The Courier Standard and The Little Falls Evening Times be
60 designated as the Official Newspapers for the Town of Danube for the year 2006.

61
62 RESOLUTION #4

63 **REGULAR MEETING**

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

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

68
69 Resolved that the second Wednesday of each month at 7:00 p.m. be designated as
70 the regular meeting date for the Town of Danube Town Board for the year 2006.

71
72 RESOLUTION #5

73 **FIRE WARDENS**

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

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

78
79 Resolved that the following people be appointed as fire wardens for the Town of
80 Danube for the year 2006: Keith Cagwin, Richard Kapala, Daniel Downing,
81 Charles Welden, Rick Mosher, Leonard Pross and John Delnero.

82
83 RESOLUTION #6

84 **INVESTMENTS**

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

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

89
90 Resolved that the Supervisor be authorized to invest certain funds in interest
91 bearing certificates of deposit, savings accounts or treasury bills until needed to pay
92 town obligations for the year 2006. Also the Supervisor is authorized to pay utility
93 bills and postage upon receipt and show those in the monthly warrants or
94 Supervisor's Report.

95
96 RESOLUTION #7

97 **OFFICIAL'S PAYROLL DATE**

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

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

102

103 Resolved that the official's payroll would be paid monthly on the second biweekly
104 pay period of the month instead of quarterly.

105
106 RESOLUTION #8

107 **SALARIES**

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

110 ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway
111 Nays 0
112

113 Resolved that the following salaries be fixed for the year 2006.

- 114 a. Officials as in the budget and in legal notice in newspaper.
- 115
- 116 b. Highway – One job description with six steps for full-time,
117 Permanent employees ranging in pay from \$10.20 per hour
118 at step 1 to \$13.55 per hour at step 6. Step 3 will be \$11.86
119 per hour. Step 4 will be \$12.19 per hour. Step 5 will be
120 \$13.07 per hour. Overtime (only for full-time employees) at
121 1.5 times the hourly rate.
- 122
- 123 c. Dog Control Officer - \$1200.00 per year to be paid on a
124 Monthly basis.
- 125
- 126 d. Justice Clerk Salary to be \$6840.00 per year to be paid on a
127 Monthly basis.
- 128
- 129 e. Codes Enforcement Official to be \$3000.00 per year.
- 130
- 131 f. Labor Rate (General & Highway) \$7.00 per hour.
- 132
- 133 g. RMO = \$600.00 and Reg. Vital Statistics = \$500.00
- 134
- 135 h. Historian to be \$150.00 per year.
- 136
- 137 i. Health Officer to be \$150.00 per year.
- 138

139 RESOLUTION #9

140 **ATTORNEY**

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

143 ADOPTED
144 Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway
145 Nays 0
146

147 Resolved that the position of "Attorney for the Town" continue.

148
149 RESOLUTION #10

150 **ATTORNEY FOR THE TOWN**

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

153 ADOPTED

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

155 Nays 0

156

157 **Resolved that the appointment of an attorney for the town be tabled until more**
158 **information can be gathered.**

159

160 **RESOLUTION #11**

161 **APPOINTMENTS**

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

164 **ADOPTED**

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

166 Nays 0

167

168 **Resolved that the following appointments for the year 2006 for the Town of Danube:**

169 Mary Lou Herringshaw – Registrar of Vital Statistics

170 Gerald Harrod – Deputy Supervisor

171 Linda Welden – Town Historian

172 Kathleen Hysack – Dog Control Officer

173 Dr. Mounir Hanna – Health Officer

174 Steve LaCoppola – Codes Enforcement Official

175 Joan Miller – Justice Clerk

176 Mary Lou Herringshaw - Records Management Officer

177

178 **RESOLUTION #12**

179 **AGENDA**

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

182 **ADOPTED**

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

184 Nays 0

185

186 **Resolved to adopt the Rules of Procedure for meetings with changes noted.**

187

188 **RESOLUTION #13**

189 **MILEAGE REIMBURSEMENT RATE**

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

192 **ADOPTED**

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

194 Nays 0

195

196 **Resolved to set the mileage reimbursement rate at \$0.45 for 2006.**

197

198 **Councilwoman Stock left at 1:34 p.m.**

199

200 **RESOLUTION #14**

201 **APPROVAL OF MINUTES FROM CINGULAR MEETING DEC. 20, 2005**

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

204 **ADOPTED**

Ayes 4 **Welden, Edmunds, Lasher, Jodway**
Nays 0

Resolved to approve the minutes from the Cingular Hearing and Meeting on December 20, 2005 as presented.

Both the Appointment of Planning Board Members and the Adoption of Calendar for Payrolls, Meetings, and Bills were tabled until the January 8th meeting.

RESOLUTION #15

DEADLINE FOR REPORTS & OTHER MATERIAL SUBMITTED TO SUPERVISOR FOR MONTHLY MEETINGS

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

ADOPTED

Ayes 4 **Welden, Edmunds, Lasher, Jodway**
Nays 0

Resolved that all invoices, bills, reports and any other items must be submitted to the Town Supervisor by Noon on the Friday preceding the regular monthly meeting in order to be put on the agenda. Things turned in later than that will be put on the next regular meeting's agenda.

With no further business, on a motion made by Councilman Edmunds, seconded by Councilwoman Jodway, the meeting was adjourned at 2:09 p.m. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

REGULAR MEETING, TOWN OF DANUBE, January 11, 2006

A regular 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 11th day of January 2006.

PRESENT: Charles Welden ---- Supervisor
Allan G. Edmunds ---- Councilman
James Lasher ---- Councilman
Patricia Jodway ---- Councilwoman
Mary Herringshaw ---- Clerk

ABSENT: **Lee Ann Stock** ---- **Councilwoman**
 Leonard Pross ---- **Superintendent of Highways**

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

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

At 7:01 p.m. Supervisor Welden opened the floor to public comment.

Resident Eileen Warner was the first to speak saying she would like to see better relations between the town board and the highway department in 2006. Warner said she also thought Highway Superintendent Pross should be a better superintendent and he shouldn't be putting things off on the board.

Councilwoman Stock arrived @ 7:03 p.m.

Warner also said that if someone comes to the board with a complaint about the highway department the board should go to the superintendent and not only tell him about the complaint but should also tell who made the complaint. Warner then said that it should be up to the highway superintendent to handle the complaint honestly. Warner also said that the highway department could run perfectly well without a lot of interference from the board. Warner also said she would like to see the town purchase a decent mower in 2006. Warner said there is no reason to have to rent or borrow a mower (the town has never had to do that and shouldn't have to now). Warner finished by saying that it should be more pleasant for everyone to come to work for the town and she would like to see that happen this year.

Resident Michael Weiner was the next to speak stating that there are the same things on the agenda over and over again without any resolution. Weiner went on to say that the white dog had puppies again up on the hill above his house. Weiner then stated that the survey on his road was supposed to be done 2 years ago and he wanted to know the status of it, informing the board that there is still a lot of dogs, cars and garbage all over the place up there. Weiner said he needed to know where the road actually ends and that the board is making it worse for the town by continuing to put things off.

Resident Carl Boepple was the next person to speak. Boepple complained that the assessment on his house is incorrect. Boepple said that the house has been there since 1870 and taxes have always been paid on it but he wants the assessment rectified. Boepple said he is and has been over assessed and no one is helping him with the problem. Boepple said he is being assessed at 1810 square feet of living area and he only has 1108. Supervisor Welden said he would talk to both Denise Reska, the assessor, and Mary Ann Barbuto, the county director, about the situation and he would even go with them to Boepple's place to take a look at it.

7:23 Public Comment was closed.

Supervisor Welden then reminded everyone that after public comment is closed there would be no more public input during the meeting.

RESOLUTION # 16

APPROVAL OF MINUTES

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 that the minutes from December 1, 2005 be approved as submitted.

RESOLUTION # 17

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 December 15, 2005 be approved as submitted.

RESOLUTION # 18

APPROVAL OF MINUTES

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

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

Resolved that the minutes from December 28, 2005 be approved as submitted.

RESOLUTION # 19

APPROVAL OF AGENDA

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 the agenda for the meeting be approved.

REPORT OF TOWN OFFICIALS

ASSESSOR REPORT

Supervisor Welden said he would be in contact with the assessor to discuss the Boopple Property.

CODES REPORT

Supervisor Welden went over the report from Codes Enforcer Steve LaCoppola. Welden also went over the training request form submitted by LaCoppola for his yearly, required training to be held at the Turning Stone Casino February 7 – 10, 2006. Councilman Lasher then addressed the board stating that he spoke with LaCoppola who had given the board an ultimatum of giving him an 1800 dollar a year raise or he would not continue to be code official for the town. Lasher said he told LaCoppola that he himself couldn't go along with that because Lasher felt the pay is compensated for the work. Councilman Edmunds said that if the town keeps the code officer then they would have to send him to school. Welden said he agreed but also mentioned the town had the option of turning codes back over to the state, which he said he was anxious to do. Welden admitted that if that were done there would still be problems but also realizes that the town can't do it anymore. Lasher said he agreed with Welden, as the town gets no help from the state, stating that

they impose things and then expect the towns to follow along. Lasher said turning it over to the state would result in the state imposing state fees and regulations. Lasher said that he thought the board should make a decision on a raise first because it was his understanding that LaCoppola won't stay if he doesn't get a raise. Jodway said she didn't see how the board could approve a raise as the budget is already passed and closed for 2006. Lasher said he told LaCoppola the position doesn't warrant a raise and that approximately 8 months out of the year he is able to work at his leisure. Edmunds told the rest of the board that if they weren't willing to approve the raise then they had better be ready to turn codes back over to the state. Lasher said they had the option of putting it out to others that might be interested. Lasher said they would have to find out if he was going to stay or not because if he was going to quit then there was no since in approving the training. Welden asked the board if he should tell LaCoppola that they are willing to pay his salary and pay for classes if he attends training in February but with the understanding that if he doesn't stay on as code official through 2007 he would have to pay back the town on a prorated basis. Welden reminded the board that if LaCoppola quits this year he would still have to reimburse the town for last year's training as that was for the year 2006. Stock said she was in favor of paying for the classes and wages as she thinks it is a big commitment from LaCoppola for his time.

RESOLUTION # 20

CODE OFFICIAL TRAINING

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 that the Town of Danube Town Board approves funding the attendance of Code Official Steve LaCoppola for a conference at the Turning Stone Casino on Feb. 7, 8, 9, and 10 providing that LaCoppola stays on and finishes out the 2007 year as code official for the town. Otherwise the town will expect him to repay the cost on a pro-rated basis. Also making note that there would be no increase in salary for 2006.

TOWN JUSTICE

Supervisor Welden mentioned there was no report from the justice department to put in the books but there was a note saying the report would be available for the meeting. Welden said there was no report submitted/available for the meeting.

DOG CONTROL OFFICER

Dog Control Officer Hysack did provide Supervisor Welden with a report to distribute at the meeting for the Month of December. Welden mentioned that once they get the law back from Albany he would like the committee to get together to come up with a form Hysack could use going forward.

TOWN CLERK

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

CEMETERY BOARD

Rick Mosher, cemetery board president, reported that the board is actively working on the Houpt Cemetery enlargement and had met with attorney Norman Mastamaro last week. Mosher asked Welden if he had heard anything back about the plaque for the Ostrander Cemetery and offered to follow up with MacFee's if Welden wanted him to. Mosher said the dates for the yearly cemetery board meeting could be either March 1, 22, or 29 depending on if the town board had any preference. Since the town board had no objections Mosher set the date for March 1, 2006 at 7:00 pm. Mosher said he would send something to Clerk Herringshaw to put in the paper.

PLANNING BOARD

Supervisor Welden mentioned that the planning board did a nice job on the Cingular tower modification hearing and meeting, stating that it went well.

SUPERVISOR'S REPORT

RESOLUTION # 21

SUPERVISOR'S MONTHLY REPORT

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 approve the November 2005 monthly report from Supervisor Welden.

RESOLUTION # 22

SUPERVISOR'S 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 approve the December 2005 monthly report from Supervisor Welden.

HIGHWAY SUPERINTENDENT

Highway Superintendent Pross wasn't present but did submit a report for the board to go over. Welden did mention that the Ford tractor couldn't be used as it doesn't have a safety bar (ROPS) on it. Welden said he found a mower online in PA. That mower is the same as the one the town has for \$295.00. Lasher asked if it was an industrial mower made for townships. Welden said yes and he would try and get more information if it is still available online and then would discuss with Pross. Lasher stated that he wanted the public to know that just because things aren't stated at the meeting and they aren't talked about, the board is always working on things. Edmunds asked if there was any progress made on the turn around. Welden said nothing yet.

OLD BUSINESS

16b. Welden reported that he was waiting on the bathroom floor to be smoothed in order to put down the tile.

16e. Jodway then addressed Welden stating that at the January 2nd meeting she suggested Welden assigning tasks to the board to get things completed because

things are not followed through on. Welden replied that there are 4 other board members that could help. Welden then assigned the phone log follow-up to Councilwoman Jodway.

16i. Welden reported that Bank of America will start charging municipalities for the services they have provided in the past at no charge. Welden reported that if the town continued the same arrangements with Bank of America with the same accounts and services, it would cost the town \$760.00 per year. Welden said he would like to deal with a local bank as long as it had online capability.

NEW BUSINESS

17a. Meeting was set with PERMA for Tuesday Jan. 17 at noon at the town building.

17b. Welden said he had email conversations with Attorney Brian Haak from St. Johnsville about representing the town. Welden said he would like the board to meet with him in executive session to see where he stands on certain issues.

17e. Councilwoman Jodway then requested Herringshaw read to the board an email she received earlier that afternoon from Highway employee Mark Warner. Jodway stated that she was very mad about the email and couldn't read it herself. The email from Warner was pertaining to a foil request email that was given to Jodway prior to this board meeting. Warner accused Jodway of going through his papers that were left on the break room table and then distributing it to the board to 'start trouble'. Jodway wanted it made clear that she didn't go through any paperwork left out and was not trying to start trouble. Welden said he was the one who distributed the foil request email to the board not Jodway. Welden explained that an email came to the town email address (which Welden has access to) from Paul Sheldon of the OSC responding to an email sent from the town computer concerning procedures for foil requests. Welden printed out the email from his home computer and distributed it to all of the board members. Warner sent an email to Sheldon wanting to know how he could get a board member to reveal the residents name of someone who made a complaint about the highway department. Warner said he foiled the clerk and she didn't have the information. Herringshaw mentioned to the board that Warner never foiled her. Welden said that the point was not that the email was sent to Sheldon but that the email came from a town computer and that town computers should not be used for personal use. Lasher then reminded everyone of two specific incidents where the names of complainants were given out and then the residents felt like someone in the highway department harassed them because they made a complaint. Jodway said she felt that if a resident comes to an elected official and requests information on how things are being run in the town it is up to that official to get them the answers and the official should not have to divulge the name of the resident.

20. Warrants

RESOLUTION # 23

PAY ABSTRACTS FOR MONTH

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

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 0101 through 0120 for general warrants and #'s 0101 through 0107 for highway warrants.

On a motion made by Supervisor Welden, seconded by Councilman Lasher, the meeting was adjourned at 9:40 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk