

1 **REGULAR MEETING, TOWN OF DANUBE, APRIL 12, 2006**

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 12th day of April 2006.**
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 **ABSENT:**
16

17 Supervisor Welden called the meeting to order at 7:00 P.M. with a moment of
18 silence for Aniela Kaminski followed by the Pledge of Allegiance to the flag.
19

20 Supervisor Welden then convened the Hearing for Board of Assessment Review
21 Date Change. Welden read the notice that went in the newspaper and then opened
22 the floor to questions and answers. Welden explained that the law would only be in
23 effect for one year so that the assessor could be present for the 'BAR' date in our
24 town, as she has other towns she is assessing for and wouldn't be present in the
25 Town of Danube on the mandated date.
26

27 Welden adjourned the hearing at 7:08 pm.
28

29 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**
30

31 At 7:08 p.m. Supervisor Welden opened the floor to public comment.
32

33 Resident Michael Weiner spoke first about the garbage and stuff up on top of the
34 hill. Weiner was also concerned about all of the buildings he has seen being built up
35 there. Weiner said that the buildings aren't built to meet codes and they should be
36 taken down. Weiner stated that he has been going through this for 15 years and
37 enough is enough.
38

39 7:11 Public Comment was closed.
40

41 **RESOLUTION # 45**

42 **APPROVAL OF AGENDA**

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

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

47
48 Resolved that the agenda for the meeting be approved after adding items # 1-5 from
49 the handout to the agenda.

50
51 **RESOLUTION # 46**

52 **APPROVAL OF MINUTES**

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

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

57
58 Resolved that the minutes from March 8, 2006 be approved as submitted.

59
60 **REPORT OF TOWN OFFICIALS**

61
62 **ASSESSOR REPORT**

63 **RESOLUTION # 47**

64 **ADOPTION OF LOCAL LAW #1--BOARD OF ASSESSMENT REVIEW DATE**
65 **CHANGE**

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

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

70
71 Resolved to adopt Local Law #1 of 2006 changing the date of the B.A.R. Meeting to
72 May 25th from 2-4 and 7-9 pm.

73
74 **CODES REPORT**

75 Supervisor Welden stated that Steve LaCoppola was there and asked the board if
76 they had any feelings about going into executive session. No one felt like there was
77 any need to go into executive session at that point. Welden explained that the
78 situation started back last fall when LaCoppola asked for a 60% in salary going
79 from \$3000 to \$4800. Welden said it was not acceptable to the board and it was
80 rejected. Welden said that LaCoppola has been handling codes and permits up to
81 this point but soon it was going to be the busy season. Welden asked LaCoppola if
82 he was going to continue. LaCoppola said no he wasn't and further stated that he
83 thought he had made that clear in the letter he wrote to the board back in February.
84 Jodway said that there are more than just permits to the code officer position.
85 Jodway said she took a drive around town and there is trash all over and part of the
86 job is to get residents to clean up the trash. LaCoppola agreed that there is trash all
87 over the place and explained to Jodway that he has to deal with that issue every
88 summer. LaCoppola then stated that he understands and respects the boards view
89 and that they have to work for the taxpayers. LaCoppola also stated that he didn't
90 come to the meeting to try and get them to change their minds, understanding that
91 the budget was done. Jodway stated that all she is hearing is that he wants more
92 money and then he'll do the work. LaCoppola stated that he was not there to

negotiate but only there to find out where the board was in the process of replacing him. Lasher asked him why he has cashed his checks if he wasn't planning on keeping the job. LaCoppola stated that he was only there until they found someone because he didn't want to leave the town without a code officer. LaCoppola also stated that there was no hard feelings and that he enjoyed the working relationship he had with the board he just can't continue the job for the pay, but he didn't want to just walk out either, he mentioned two options that the town had. LaCoppola mentioned a town resident that was interested in the position and he also mentioned that he talked with a representative from the city of Little Falls and they would be willing to subcontract with our town. LaCoppola said he didn't want to leave the town high and dry. Jodway asked if he was giving the board an ultimatum. LaCoppola reminded Jodway that the decision had already been made and he wasn't there to negotiate more money just to make sure the board was looking for a replacement before the busy season started. Edmunds stated that he thinks the town needs a code officer in this town and that they shouldn't turn codes back over to the state. Stock said to have no code officer when property is being bought in the town to subdivide and build. Stock said that Steve has done his job and presented material for the newsletter and has made some progress on town cleanup. Stock reminded the board that cleanup is a slow process and said that you can't put too much pressure on the residents, you have to work with the residents and it is a slow process. LaCoppola stated that town clean up has been let go for over 15 years and said he can go ahead and write tickets but if they aren't enforced by the judge then he can't do anything more. LaCoppola said he was only there for an update wanting to know if the board was hiring someone else or turning it over to the state. LaCoppola said he would stay for \$400/month for the rest of the year but he wasn't crazy about it.

RESOLUTION # 48

EXECUTIVE SESSION

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

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

Resolved to go into executive session at 7:33 pm. Lasher did not go into executive session with the rest of the board. Jodway came out of executive session at 7:37 pm.

RESOLUTION # 49

END OF EXECUTIVE SESSION

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

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

Resolved to enter back into regular session at 7:44 pm.

139 Welden said they hadn't settled much of anything but stated that he was not of the
140 opinion that he wanted to be committed for the rest of the year. Welden said he
141 would like to try it for 3 months with LaCoppola working on permits and cleaning
142 up the most abominable places then the board could review it in another 3 months.
143 Jodway asked Welden where the extra money would come from to increase the
144 salary. Lasher said that LaCoppola shouldn't have cashed the first check in
145 January and should have turned in the keys and never did anything else. Then the
146 board could have advertised the position. LaCoppola said he thought he made it
147 very clear in the letter that he would stay until you found someone and would even
148 stay to train the new person if the board wanted but he didn't want to go into the
149 busy permit season. Lasher said the board should have Herringshaw run an ad in
150 the paper for the position.

151
152 **RESOLUTION # 50**

153 **ADVERTISE CODES POSITION**

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

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

158
159 **Resolved to have Clerk Herringshaw run an ad in the paper for the position of code**
160 **officer.**

161
162 Both Edmunds and Stock said it would have been wiser decision to keep LaCoppola
163 at his requested rate. Welden said let's see what happens with the advertisement.
164 LaCoppola finished by stating that he would be done on May 31st and he didn't
165 want or have any hard feelings, and that he liked working with in the town and that
166 the board had been good to him.

167
168 Lasher said he thinks the town should advertise for a lot of appointed positions in
169 the town and open them up to the people in the town, stating that resident's get first
170 priority. Resident Kim Broderick said that she would be willing to step in and do
171 codes if the town board needed someone.

172
173 **TOWN JUSTICE**

174 The monthly report for March stated that the court received 103 new tickets, closed
175 118 tickets and there were 2944 tickets outstanding. Welden then mentioned that
176 the justice department was going through an audit with the state comptroller's
177 office. Jodway then stated that before the audit was started, the justice department
178 told the board member's that they couldn't come into the building during the
179 process. Jodway further explained that she did go over to the offices one day during
180 the process to pickup the phone logs and only spoke with Highway Employee Bernie
181 Mosher and after going straight home she called Welden to let him know she was
182 indeed over there. Welden said he already had a phone message from Justice
183 Horender apparently within minutes of Jodway leaving the building to have her not
184 return or the auditors would re-schedule their work for another day. Horender was

185 in Binghamton when he called and left the message. Jodway emailed the Albany
186 office of the OSC and received a response from Debora Wagner, head of the
187 Syracuse OSC office. Welden said he too spoke with Ms. Wagner after that to see
188 what the policy and procedure was during an audit because the board had received
189 a letter before the audit announcing it and stating if there were any questions to call.
190 Welden said it turned out that the board was misinformed by the Justice
191 Department and that the comptroller's office welcomes the board to come in during
192 the audit process. Welden was told that the state wants the board there that is how
193 they learn. Welden explained that the night before the meeting the board attended
194 a teleconference at HCCC titled "Justice Court Finances Who is accountable for
195 what." Welden stated that many other town justices were present but neither the
196 Justice nor his clerk was at this teleconference. Welden said that the board found
197 out that they are privileged to things that they were previously told by court
198 personnel they couldn't access. Welden stated that he wrote an email to the state
199 requesting a meeting for training purposes and he wanted the board and the justice
200 present for the meeting. Welden also stated that they were told at the conference
201 that the justice himself is ultimately responsible for the department but that the
202 board needs to be involved as much as possible so they know what's going on.

203 204 DOG CONTROL OFFICER

205 Dog Control Officer Hysack did provide Supervisor Welden with a report to
206 distribute at the meeting for the Month of March. Pross handed out different
207 options for cargo carriers that the town could purchase for Hysack so that she
208 doesn't run into a dog getting sick in her vehicle again.

209 210 TOWN CLERK

211 Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw
212 for the month of March 2006. Welden then brought up the letter that the board had
213 received from Herringshaw concerning someone posting material on the inside
214 bulletin board. Herringshaw then explained that she wasn't concerned about the
215 content of the letters posted and removed twice by Welden, but more concerned that
216 the content came from a manual locked inside the vault inside a locked fireproof
217 filing cabinet. Herringshaw addressed the board stating that letter itself questioning
218 the timing of minutes being available wasn't an issue because the board members all
219 know they get the minutes on time, but Herringshaw did ask the board, out of
220 respect for her, to find out who would go to the trouble of getting the material out of
221 the town clerk's manual, copying it, highlighting it and posting it more than once.
222 Herringshaw also requested that the board find out how the person who posted it
223 gained access to the locked vault and into the locked safe where she kept her town
224 clerk manual. Herringshaw finished by stating that she wished the person who did
225 post the letter would have come to her directly and asked for the minutes instead of
226 trying to start trouble in the town. Welden explained that the Board was involved
227 in investigating the situation and would report on what they find.

228 229 CEMETERY BOARD

Rick Mosher, cemetery board president, submitted a report that said the cemetery clean up date is set for April 22nd with the rain date set for May 6th. Mosher requested that a notice be put in the newspaper with the date and rain date along with mention that everyone will meet at 9:00 a.m. at the Ostrander Cemetery on West Fiery Hill Road. The board instructed Herringshaw to put a notice in the paper.

SUPERVISOR'S REPORT

RESOLUTION #51

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 March 2006 monthly report from Supervisor Welden.

HIGHWAY SUPERINTENDENT

Highway Superintendent Pross was present and did submit a report for the board to go over. Pross went over the items for consideration asking the board if there had been a decision on the shared services agreement between municipalities. Welden said that he did have something from Haak but he hadn't had a chance to copy it yet. Pross said he would need to see that and anything on a dead end turn around agreement so that he could finish up the highway agreements. Pross then asked the board what the decision was on D1, reminding the board that he gave them a quote last meeting and wondered if there was a decision made as to fix or repair it. Pross then discussed his letter to Dominick Timpano from NYSDOL with regards to the inspection on the rollover inspection. Pross then asked Herringshaw if she would run a notice in the paper for trash pick up day. Pross said they were all set for Friday and Saturday April 28th and 29th from 9 a.m. – 4 p.m. on Friday and from 8 a.m. – 2 p.m. on Saturday. The board and Pross set up a meeting to discuss highway agreements on Wednesday April 19th at 7:00 pm. Herringshaw was instructed to put that in the paper also.

OLD BUSINESS

NEW BUSINESS

17a.

RESOLUTION #52

SHARED SERVICES – ORPS GRANT

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 to have Welden sign the real property – ORPS grant paperwork.

20. Warrants

RESOLUTION # 53

PAY ABSTRACTS FOR MONTH

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

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 0401 through 0423 for general warrants and #'s 0401 through 0416 for highway warrants.

On a motion made by Councilwoman Stock, seconded by Councilman Lasher, the meeting was adjourned at 11:31 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk