

1 **PUBLIC HEARING, TOWN OF DANUBE, AUGUST 9, 2006**

2
3 **A public hearing was held to discuss Town of Danube Justice Court Reform Law,**
4 **Local Law #2 of 2006.**

5
6 **PRESENT:** Charles Welden ---- Supervisor
7 Allan G. Edmunds ---- Councilman
8 Lee Ann Stock ---- Councilwoman
9 James Lasher ---- Councilman
10 Patricia Jodway ---- Councilwoman
11 Tamica Senft ---- Deputy Clerk
12 Brian Haak ---- Town Attorney

13
14 **ABSENT:** Mary Herringshaw ---- Clerk
15 Leonard Pross ---- Superintendent of Highways
16

17 **Supervisor Welden called the hearing to order at 7:00 P.M. with the Pledge of**
18 **Allegiance to the Flag.**

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

22
23 **Supervisor Welden continued with the explanation of why the law would be**
24 **beneficial to the town.**

25
26 **Supervisor Welden then asked if there were any questions or comments. Blair**
27 **Frasier asked if it had to be adopted at tonight's meeting. Haak said if it is adopted**
28 **the town notifies Herkimer County and the voters approve it, not Albany. Frasier**
29 **then asked why the town needed two justices. Welden replied that another justice**
30 **could handle court activity if one was to leave and stated it would help with the**
31 **workload. Jodway mentioned that if there were two justices they could hold court 2**
32 **times per month. Welden agreed and said he would encourage it. Jodway asked if**
33 **they both could hold court the same night. Haak said if you had the room it would**
34 **be feasible. Welden said the town would be talking about having 2 justices and no**
35 **clerk. Jodway asked what the statute is on tickets. Haak said 60 days. Lasher said**
36 **he thought 2 justices were a good idea as it would mean more revenue for the town.**
37

38 **The hearing was adjourned at 7:20.**

39
40 **REGULAR MEETING, TOWN OF DANUBE, August 9, 2006**

41
42 **A regular meeting of the Town Board of the Town of Danube, County of Herkimer**
43 **and the State of New York was held at the Town Hall, 438 Creek Road, Little Falls,**
44 **NY on 9th day of August, 2006.**

45
46 **PRESENT:** Charles Welden ---- Supervisor

47 Allan G. Edmunds ---- Councilman
48 Lee Ann Stock ---- Councilwoman
49 James Lasher ---- Councilman
50 Patricia Jodway ---- Councilwoman
51 Tamica Senft ---- Deputy Clerk
52 Brian Haak ---- Attorney
53
54 **ABSENT:** Mary Herringshaw ---- Clerk
55 Leonard Pross ---- Superintendent of Highways
56

57 Supervisor Welden called the meeting to order at 7:20 pm.

58
59 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**
60

61 At 7:20 p.m. Supervisor Welden opened the floor to public comment.

62
63 Michael Weiner was the first to speak. Weiner wondered if a survey was a legal
64 document. Haak said it could be but he would have to see it because it isn't always.
65 Weiner then stated that on the 24th of last month the town put 30 foot of crushed
66 stone in the roadway and culvert pipe and it floods out property. Weiner asked
67 Haak if he had a course of action. Haak said he was not there to give legal advice to
68 town residents but was there for the town board only. Weiner said that he also
69 heard a rumor that Mary Lou quit and wondered if there was truth to it. Weiner
70 also stated that he wanted something done about the people on the bus and the dogs
71 up on the hill as they have been on the agenda for 25 years.
72

73 Resident Mary Ann Alosio then said if the survey is ever done she is not happy with
74 the water rushing on their property from the culvert. Welden said they should have
75 more time now to find a surveyor and get that completed. Both Jodway and
76 Edmunds said lets get a surveyor and get it done. Lasher said he knew a few and
77 would ask.
78

79 Eileen Warner then mentioned that there was a class that election officers were
80 going to on Aug. 29th at 6:00 pm. Jodway asked if this was about the new machines.
81 Warner said they would be updated at the meeting. Welden said he would call
82 someone to make sure the room was handicap assessable. Jodway asked if
83 Herkimer County would be responsible since they took over the town's voting
84 machine. Welden said there would be a primary held September 12th. Warner said
85 there would be new machines that were digital and handicap assessable.
86

87 Bill Broderick asked if someone shows up late for court does the justice still have to
88 see them. Lasher said no.
89

90 7:44 Public Comment was closed.

91
92 **RESOLUTION # 83**

93 **APPROVAL OF AGENDA**

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
99 **Resolved that the agenda for the meeting after changing 17B.**

100
101 **RESOLUTION # 84**

102 **APPROVAL OF MINUTES**

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

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

107 **Resolved that the minutes from July 12th 2006 be approved after taking out the**
108 **words ‘was out’ on line 100.**

109
110 **REPORT OF TOWN OFFICIALS**

111
112 **ASSESSOR**

113 **Welden reported that town property is selling for double and triple what the**
114 **assessment has been. The on-going revaluation should eliminate that.**

115
116 **CODES REPORT**

117 **The board went over the report submitted by Pat Kelly. Jodway then asked Kelly if**
118 **the problem between himself and his neighbor had been worked out. Kelly said**
119 **they hadn’t even talked to him about a problem. Edmunds stated that Kelly**
120 **submitted a good report.**

121
122 **TOWN JUSTICE**

123 **No one was present from the Justice Department, and there wasn’t a monthly report**
124 **submitted. Welden reported that Justice George turned over the checks and they**
125 **have been deposited. Lasher stated that George should have turned over the keys**
126 **and everything to Welden. Welden stated that George was to fill the vacant justice**
127 **position until December 31, 2006 providing the vacancy wasn’t filled, but since**
128 **Broderick has filled the vacancy George’s service would be done. Stock said she**
129 **would like to see the town thank George for filling in. Welden said he would send**
130 **some kind of thank you to both George and the Town of Manheim for helping us**
131 **out. Jodway then thanked Haak for helping out with this matter and answering all**
132 **of the emails.**

133
134 **RESOLUTION # 85**

135 **LOCAL LAW #2 of 2006 (SECOND JUSTICE POSITION)**

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

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

Nays 0

Resolved to pass the law to have a second justice position in the town, pending submission to mandatory referendum occurring November 7, 2006.

The board then discussed the justice clerk position ending effective today. Lasher said he would like to make a motion to abolish the position as it stands tonight. Welden said the person is still in the position. Haak said the current clerk would be eligible for pay through today (August 13th) and then would be eligible for unemployment starting tomorrow.

RESOLUTION # 86

JUSTICE CLERK POSITION

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 position of clerk to the justice be abolished effective at the close of business on August 9, 2006.

Edmunds then asked what if the town board wanted to appoint another justice clerk. Welden stated that the justice was planning on handling the clerking duties on her own. Lasher reminded everyone that the clerk had refused to work with the new justice and she didn't turn over any information to the new judge when Broderick came into office. Lasher also stated that Broderick can't find any information or paperwork on any of the cases the court was handling.

Welden then mentioned that Justice Broderick was appointed on June 21st and had been waiting for paperwork for her training that was mailed to the town address on July 5th. Welden said there was never any receipt of the paperwork and it had to be re-sent. Welden said on the evening of August 8th he found a Fed-Ex package on top of one of the tall cabinets at the town hall that was signed for by Justice Clerk Miller on July 27th but never given to Broderick. The package was from the DMV and contained the materials the new justice would need to handle motor vehicle cases. Welden also stated that the lock on the justice office door had been changed. Lasher made a motion to hold Miller's last payment until all of the justice files and papers are returned (criminal records that are missing). Haak said the town had the right to withhold payment until all town property is returned. Welden asked if they could get copies of the missing files. Jodway wondered if people could come back on the town for lost tickets. Haak said in a worst-case situation they could. Welden then asked Haak if he could send a draft letter to Miller stating that the position was abolished and that her last check would be withheld until all town items are returned. Welden then stated that he would want someone from the board there to see where everything was placed upon return.

DOG CONTROL OFFICER

184 Dog Control Officer did provide Supervisor Welden with a report to distribute at
185 the meeting for the Month of July. Welden said he talked to Hysack about the dogs
186 up by Weiner's property on July 14th.
187

188 TOWN CLERK

189 Supervisor Welden accepted the monthly report from Clerk Herringshaw for the
190 month of July 2006. Clerk Herringshaw asked Supervisor Welden to mention that
191 her report was correct in the month of June in regards to the dollars reported but
192 .28 cents was reported in the wrong category and has been changed to reflect that.
193

194 CEMETERY BOARD

195 Rick Mosher, cemetery board president, reported that Edmunds had taken pictures
196 of the 2 elm trees that Clara Smith had donated. Mosher also reported that Bill
197 Sagatis mapped out the Hess Cemetery and the surrounding Demeree property.
198 Mosher stated that George Demeree made a donation to the cemetery fund. Mosher
199 wants to get the sign made for the Ostrander Cemetery. Welden mentioned that
200 the sign made by Jill Rae for the Indian Castle Church was not lasting as long as it
201 should and he would look into pricing for other signs.
202

203 SUPERVISOR'S REPORT

204 RESOLUTION # 87

205 MONTHLY REPORT

206 On a motion made by Councilwoman Stock, seconded by Councilman Lasher, the
207 following resolution was
208

209 ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway
210 Nays 0
211

212 Resolved to accept the July's Monthly Report from Supervisor Welden.
213

214 Welden mentioned that he would like to pay Mike George for his two months at
215 once. Haak said it would be proper to pay him only for the exact time when he
216 worked. That would amount to 12/30 of the June salary and full salary for the
217 month of July.
218

219 HIGHWAY SUPERINTENDENT

220 Highway Superintendent Pross was not present. Jodway stated that the repairs on
221 the Lane Road and Fincks Basin Road were not completed. Jodway also stated that
222 she did not receive a telephone log from the highway department for the month.
223 Welden then told the board that Pross had submitted a request to attend a
224 conference but there is not enough information on it and the deadline is August 21.
225 Welden said it would have to be tabled until they could get more information from
226 Pross. Lasher then asked if anyone knew what happened to the mower. Welden
227 said he didn't know what happened but did notice the men were welding one broken
228 part because they can't get the part. Lasher said he wanted to know how it broke

and who was responsible for it breaking. Lasher requested a letter from the highway department with an explanation.

OLD BUSINESS

Welden said he would like the board to consider getting someone to clean the town bard. Jodway suggested advertising for cleaning. Welden said he would like to redo the floor, it needs to be stripped and waxed. Welden and Jodway had both volunteered to clean. Welden to price software programs for the justice court also.

NEW BUSINESS

New business was taken care of earlier in the meeting.

20. Warrants

RESOLUTION # 88

PAY ABSTRACTS FOR MONTH

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

Be it hereby resolved that the town board members have audited both the general and highway warrants and abstracts for the month and approve for payment for General Claims # 0801 – 0815, and Highway Claims #0801 - 0815.

On a motion made by Councilwoman Jodway, seconded by Supervisor Welden, the meeting was adjourned at 10:59 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk from notes by Tamica Senft