

1 **REGULAR MEETING, TOWN OF DANUBE, SEPTEMBER 13, 2006**

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3 **A regular meeting of the Town Board of the Town of Danube, County of Herkimer**  
4 **and the State of New York was held at the Town Hall, 438 Creek Road, Little Falls,**  
5 **NY on 13<sup>th</sup> day of September, 2006.**

6  
7 **PRESENT:** Charles Welden ---- Supervisor  
8 Allan G. Edmunds ---- Councilman  
9 James Lasher ---- Councilman  
10 Patricia Jodway ---- Councilwoman  
11 Mary Herringshaw ---- Clerk  
12 Leonard Pross ---- Superintendent of Highways

13  
14 **ABSENT:** Lee Ann Stock ---- Councilwoman

15  
16 Supervisor Welden called the meeting to order at 7:00 pm.

17  
18 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**

19  
20 At 7:01 p.m. Supervisor Welden opened the floor to public comment.

21  
22 Resident Bill Broderick was the first to speak asking if anyone on the board knew  
23 who accessed the court computer with a laptop computer. Broderick wondered if it  
24 was being pursued. Supervisor Welden said it would be eventually. Councilman  
25 Lasher asked Welden for clarification as to what it was about. Welden replied that  
26 when the man from SEI was there loading the new program onto the justice  
27 computer he came across a log that gave details of when anyone had last tried to  
28 access any material on the computer. Welden said that on a particular day in July  
29 someone had apparently accessed it from a remote laptop and it was showing up as  
30 the name Steve.

31  
32 7:03 p.m. Councilwoman Stock arrived.

33  
34 Welden continued that his initial thinking was that the name Steve coincided with  
35 the name of someone from ADMIT, he believes the program manager, and to  
36 Welden it didn't seem unreasonable that he would access it remotely if he was given  
37 permission. Lasher said that the board wasn't made aware of that when the  
38 program was put in. Lasher said the board should get a hold of someone who can  
39 actually trace it to see who it actually was. Welden agreed and said that they would  
40 need to follow up on it. Lasher also suggested that all courts and towns should be  
41 made aware of it because it would be possible to go in and look at confidential  
42 records, stating that there would be no logical reason to go into any court computer.  
43 Councilwoman Jodway then mentioned that when Welden and she were over  
44 cleaning up the office area and throwing stuff in the dumpster she had found a  
45 back-up disk from the court in the dumpster. Welden said that he did look at it and  
46 there was about 200 megabytes of space on it but he didn't load it into the court

47 program to see what was on it for fear of losing the current information already on  
48 the computer. Welden suggested investigating someone who could actually look into  
49 opening this disc up also. Broderick stated that there would be confidential  
50 information on the disc and the board should be careful as to who looks at it.  
51 Jodway stated that she was just amazed to see it in the garbage when she was out  
52 there.

53  
54 Resident Mary Ann Alosio spoke next stating that she had gotten 2 sheets of paper  
55 from Denise Reska, County Assessor, with a lot of fictitious information on it.  
56 Alosio was concerned that there was at least 7 or 8 entries with wrong data on it  
57 (including measurements, sizes of buildings and dates of remodeling). Alosio said  
58 she knows it says to contact the county if there is wrong information on it but she  
59 wanted the board to know also. Welden said that she should provide them with the  
60 correct information but his concern was that maybe they aren't doing the job  
61 correctly that they are getting paid to do. Alosio stated that she had already notified  
62 them in writing that the information wasn't correct and was waiting to hear back  
63 from them. Welden suggested calling Reska first and then trying Mary Ann  
64 Barbuto if she didn't get any results. Welden also asked Alosio to let him know if  
65 she didn't get any results as this wasn't the first time he had heard from a resident  
66 with discrepancies. Welden said he would also call the county letting them know  
67 that the town had heard a lot of complaints on this. Alosio said she did request to  
68 see all of the data collected on her property because this was just 1/2 of the data and  
69 if this part was wrong she wanted to see what the other 1/2 looked like also.

70  
71 Eileen Warner, election inspector, spoke next telling the board that at yesterday's  
72 election only 41 voters showed up to vote out of over 600 voters in the town. Warner  
73 said that it was very disappointing and she is hoping for a better turn out in  
74 November.

75  
76 7:25 Public Comment was closed.

77  
78 **RESOLUTION #92**

79 **APPROVAL OF AGENDA**

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

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

84  
85 Resolved that the agenda for the meeting be approved after adding to old business  
86 under other bids for heating and fuel oil.

87  
88 Welden said he had sent a draft letter to Attorney Haak for recommendations on  
89 content and hadn't heard back from him. Welden said he would like to have Haak  
90 give approval and then run the notice in the paper to have the bids opened at the  
91 next regular board meeting on October 11, 2006.

**RESOLUTION # 93**

**APPROVAL OF MINUTES**

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 minutes from August 9<sup>th</sup> 2006 be approved after changing the word “bard” to “barn” on line 234.

**RESOLUTION # 94**

**APPROVAL OF MINUTES**

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 minutes from August 24<sup>th</sup> 2006 be approved as submitted.

**REPORT OF TOWN OFFICIALS**

**ASSESSOR**

Welden said there is a problem with data collection and he will get a hold of someone. Welden said accuracy is in question.

**CODES REPORT**

The board went over the report submitted by Pat Kelly. Pat Kelly asked if there were any questions. Councilman Edmunds thanked Kelly for such an in depth report again.

**TOWN JUSTICE**

Welden went over the letter that Justice Broderick gave the board. Jodway asked if the town still had the old court system on the computer and if they did would the town get charged for it. Welden said it is still on the computer and he would guess that we wouldn't be charged as the town never signed any agreement. Jodway then asked Bill Broderick where the justice found the missing tickets. Broderick responded that she found them in several places, in the desk, in the files, in boxes and on top of the filing cabinet. Broderick said that Justice's biggest concern right now is that there was money reported to the town and the state is still here in the office. Both Jodway and Lasher said there should be an audit of the justice records. Lasher reminded everyone of how serious it is when you deal with money. Jodway asked Bill Broderick if the Justice was getting any response back from tickets dated in April. Broderick said the tickets were actually settled back in April with guilty pleas but no one from the justice office sent the fines out in response, so the violators have just been waiting for a fine amount to mail in. Jodway asked how far back the tickets were dated. Broderick reported that some were from last year. Broderick also told the board that the Justice was sending a letter to Paul Sheldon of the OSC requesting an audit and to find out what is the best course to follow given the shape

139 that the justice office was left in. Welden said he would also send him an email.  
140 Welden also explained that when they went to the teleconference in April, about  
141 which he had gotten 5 separate notices, the board was advised that every year they  
142 should be going through all departments and money to make sure everything was in  
143 order. Welden had requested from Debra Wagner a training class for all town  
144 board members. Stock asked what the response was about the training. Welden  
145 said she agreed but thought it would make sense to do it with the new justice in  
146 place. Jodway asked about the lock box that Justice Broderick was requesting. Bill  
147 Broderick said she needed something because of security issues and has to have  
148 things held at the post office and it is getting costly with gas running down there  
149 everyday. Lasher said she should make sure she turns in a mileage report to get  
150 reimbursed monthly. Lasher also questioned the necessity of going to the post office  
151 everyday. Bill Broderick said that for now she does with all of the tickets that are  
152 coming in and the catching up she has to do. Broderick also informed the board  
153 that he had to put a dead bolt lock on the justice door as things in the office had  
154 disappeared and then reappeared. Broderick made mention of the petty cash that  
155 was supposed to be in the office that isn't there. Lasher then asked Pross if he knew  
156 that someone got into the locked building and then into the locked justice office.  
157 Welden said the point is that there was petty cash and there isn't now. Lasher said  
158 there has to be a paper trail and it is really former Justice Loren Horender's  
159 problem as he never turned back in petty cash when he left. Lasher then asked  
160 both Stock and Edmunds why they would witness petty cash that was just being left  
161 in a draw when they both knew that money was missing before. Lasher also asked  
162 them why petty cash was a \$100 dollar bill, stating that it didn't make sense to him.

#### 163 164 **DOG CONTROL OFFICER**

165 Dog Control Officer did provide Supervisor Welden with a report to distribute at  
166 the meeting for the Month of August.

#### 167 168 **TOWN CLERK**

169 Supervisor Welden accepted the monthly report from Clerk Herringshaw for the  
170 month of August 2006.

#### 171 172 **CEMETERY BOARD**

173 Rick Mosher, cemetery board president, went over the report that he had submitted  
174 and made special mention of thanking Councilman Edmunds for taking the pictures  
175 of both Bill Sagatis and Clara Smith for the evening times article. Mosher also  
176 mentioned that he would love to write something for the Town of Danube newsletter  
177 about the cemeteries if that was okay. Welden said yes that would be great. Mosher  
178 then stated that Mike Delnero did the brush hogging in the cemetery again and he  
179 would thank him for being such a big help. Mosher then went over the draft  
180 document from Attorney Mastromoro pertaining to the cemeteries. Welden said he  
181 would scan it and send it to Haak.

#### 182 183 **RESOLUTION # 95**

#### 184 **MOVING FORWARD ON CEMETERY ENLARGEMENTS**

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

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

188 Nays 0

189 Resolved to have Rick Mosher move forward on both cemeteries barring any  
190 problems determined by Brian Haak that states we shouldn't.

191  
192 **SUPERVISOR'S REPORT**

193 **RESOLUTION #96**

194 **MONTHLY REPORT**

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

197  
198 ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway

199 Nays 0

200  
201 Resolved to accept the August's Monthly Report from Supervisor Welden.

202  
203 **HIGHWAY SUPERINTENDENT**

204 Highway Superintendent Pross started out by asking if there were any questions on  
205 his report. Jodway asked what the status was on the culvert on The Lane Road.  
206 Jodway said the town was pressing its luck that someone hasn't gone down there  
207 yet, stating that it is an accident waiting to happen. Jodway also mentioned that the  
208 weeds are growing and it looks like a jungle. Pross reported that he had been with  
209 FEMA for the last 2 days surveying projects. Jodway then asked why it took Suit-  
210 Kote so long to come down to crack seal Finck's Basin Road, stating they didn't do a  
211 good job while they were there. Pross said he would get to the culvert but was  
212 waiting on FEMA's approval. Jodway then asked Pross about his conversation with  
213 Mike Volo about the tree that has to be removed. Pross said he never had a  
214 conversation with Volo, stating that he stopped down there but Volo wasn't there.  
215 Jodway asked who was responsible for notifying National Grid about trees that  
216 should come down. Pross said there was a lot of controversy about the tree being  
217 taken down between Volo and his wife, he wanted it down and she didn't. Jodway  
218 then stated that she had a conversation with Volo who quoted you as saying you  
219 would have it taken care of and Volo assumes it is going to be taken care of. Stock  
220 said that Volo should call Pross directly and he more than likely will eventually.  
221 Welden asked about the turn around agreements. Pross said that Welden would  
222 have to go with him to sign the agreement also. Welden stated that the attorney  
223 wrote up the agreement and Welden wanted to know what Pross's thoughts were  
224 about it. Welden said he had been waiting for the last 2 months to discuss it with  
225 Pross and the board but Pross wasn't at the board meetings. Welden reminded  
226 Pross that this was more important than the shared services. Welden said he would  
227 print more copies and they would make a decision at the next board meeting on Oct.  
228 10<sup>th</sup>. Stock then stated that she had spoken with Paul Clayburn from Montgomery  
229 County this summer about having speed limit signs posted on River Road and  
230 wanted Pross to explain if the board had to request it on the town's behalf. Pross

231 said it is a lengthy process but he would get more information about it for the next  
232 meeting. Pross then moved on to items for consideration asking the board what  
233 they wanted to do about the transmission on D4. Pross said that the low gear was  
234 slipping really badly. Pross said the pricing is still about the same and he would like  
235 to have it done before winter. Pross said that the town could buy a new one on state  
236 contract with a lot of options for about \$20,000. Pross said the options sell the truck  
237 on the other side. Pross said he would like to see a smaller truck. Pross said he  
238 would get firm prices on a transmission for D4. Pross reported that FEMA was  
239 looking pretty good but mentioned that he did misinterpret the mitigation process.  
240 Pross did say that since there was no money in the highway account to go and fix the  
241 (culvert) problems the town probably wouldn't see any money for fixing them.  
242 Pross did say that it looks like the town should receive about \$25000 and they should  
243 know by the end of the week. Lasher asked Pross if he was able to use D4 or if it  
244 was completely gone. Pross said he is able to use it but he has to let it warm up first.  
245 Pross then said he needed new tires for the grader (D10). Pross said he hadn't  
246 gotten any prices yet but would need all 6. Welden asked if the tires were ever  
247 replaced. Pross said he couldn't find any paperwork for it but he had asked Mark  
248 Warner who didn't think they were ever replaced. Pross said he would get prices.  
249 Pross then told the board that he would like to have a computer for the highway  
250 department as the one they have has a lot of problems. Pross said he can't receive  
251 any emails from Welden currently. Stock said that computers are pretty cheap  
252 right now and asked what Pross used it for. Pross said he does a lot on it but the  
253 payroll is the most important thing. Stock suggested getting one for the highway  
254 department since they use it. Welden said he wanted to check into getting a satellite  
255 internet connection at the town hall. Stock asked if that would solve Pross's  
256 problem. Eileen Warner then spoke up stating that there was money put into the  
257 budget for election inspectors for the year that didn't have to be used because the  
258 county was now paying it and asked the board if they could use that money to use  
259 for a new computer. Lasher then said he had a question while they were talking  
260 about the computers. Lasher asked Stock how her email address got onto the court  
261 computer. Welden then explained that while he was on the justice computer setting  
262 up a hotmail account for Justice Broderick, Stock's address account came up. Stock  
263 said she didn't know why. Welden said that it had to have been put on that  
264 computer. Lasher asked if it would show up on there if they had received an email  
265 from Stock and that is why her account showed up. Welden said no. Lasher said it  
266 just makes no sense that so many things keep happening here with no explanations.  
267 Lasher said he was concerned about security at the town hall and said the board  
268 should do something to find out why things like this keep happening.

## 269 270 OLD BUSINESS

271 16a. Lasher said he did speak to someone about the survey for both Lovers' Leap  
272 Road and The Lane Road and he would keep the board posted.

273  
274 16d. Welden stated that the indexing grant was approved for \$9843 and the town  
275 used \$6612. Welden said he would like to get the next grant to transcribe minutes  
276 from the 1800's to the early 1900's to an electronic format.

277  
278 **16i. Stock requested taking Adult Entertainment Regulation Options off the agenda**  
279 **since there isn't anything the board could do without zoning.**  
280

281 **16j. Welden is going to give Brian Haak a call about the draft for the Heating and**  
282 **Fuel Oil bids. Welden said he would like to have them in the paper and received to**  
283 **be able to open them at the next regular board member.**  
284

285 **NEW BUSINESS**

286 **17a. Trash Days for the town are set for Oct. 27<sup>th</sup> and 28<sup>th</sup>. Welden said that since**  
287 **it will be a general fund expense, he wanted to talk to the highway men directly to**  
288 **make sure they were willing to work those days.**  
289

290 **17b.**

291 **RESOLUTION #97**

292 **ENERGY SAVINGS APPROACHES**

293 **On a motion made by Councilman Lasher, seconded by Councilwoman Jodway, the**  
294 **following resolution was**  
295

296 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**  
297 **Nays 0**  
298

299 **Resolved to have Supervisor Welden file the energy savings survey material with**  
300 **MEGA.**  
301

302 **17c. Welden said he would put the preliminary budget together and the board**  
303 **could work from there.**  
304

305 **17e. Welden said the Newsletter would have to be done by the 2<sup>nd</sup> week of October.**  
306 **Welden said he would like to see every department submit a little write up.**  
307

308 **18.**

309 **RESOLUTION #98**

310 **OSC TELECONFERENCE**

311 **On a motion made by Supervisor Welden, seconded by Councilman Edmunds, the**  
312 **following resolution was**  
313

314 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**  
315 **Nays 0**  
316

317 **Resolved to approve retroactive attendance for the OSC Teleconference on**  
318 **September 7, 2006.**  
319

320 **20. Warrants**

321 **RESOLUTION # 99**

322 **PAY ABSTRACTS FOR MONTH**

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

325  
326 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**  
327 **Nays 0**  
328

329 **Be it hereby resolved that the town board members have audited both the general**  
330 **and highway warrants and abstracts for the month and approve for payment for**  
331 **General Claims # 0901 – 0919, and Highway Claims #0901 - 0918.**  
332

333 **On a motion made by Councilwoman Stock, seconded by Supervisor Welden, the**  
334 **meeting was adjourned at 10:39 P.M. Carried unanimously.**  
335

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**Mary Lou Herringshaw, Town Clerk**