

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

2
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 13th day of December, 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

14 **ABSENT:** Leonard Pross ---- Superintendent of Highways
15

16 Supervisor Welden called the meeting to order at 7:00 pm followed by the pledge of
17 allegiance to the flag. At this point Supervisor Welden started the Hearing/Special
18 Meeting concerning the Windmill Moratorium by reading the notice that was put in
19 the paper. After reading the notice Welden opened up the floor to comments.
20 Resident Mary Ann Alosio was the first to speak stating that even though it is stated
21 as a moratorium it sounds more like the board can waive it if they choose too.
22 Welden responded that it was written with the guidance of the town attorney. Fran
23 Alosio spoke next saying that value of property is a concern to him referring to the
24 cell tower on Fall Hill. Lasher then reminded everyone that when the cell tower
25 first took off the board didn't have a lot of information and they made a mistake
26 because they took people at their words. Lasher further explained that is why the
27 board looks at things more closely now, saying that they didn't have the foresight to
28 see it back then but now they do.
29

30 With no more questions or comments about the Windmill Moratorium, Welden
31 returned to the agenda of the regular meeting.
32

33 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**
34

35 **7:18 Supervisor Welden opened the floor to public comment.**
36

37 Resident Michael Weiner was the first to speak stating that at 5:30 this evening he
38 had called the dog control officer about the dogs around his house. He also stated
39 that the troopers and a DEC officer had to come up by his residence and kill a
40 coyote, which they are sending out for a rabies test. Weiner stated that there would
41 be a lot of problems if it came back positive. Weiner then stated that he is sure that
42 the board had heard what happened to him on November 9th and stated that it has
43 to stop. Weiner then went on to say that on May 9th he handed out a culvert
44 resolution #2 and he hasn't heard anything back from the board. Weiner said he
45 was requesting for something to be done with the pipe reminding everyone present
46 that he has been asking for the last 5-10 years. Weiner continued on about picking

up a copy of the turnaround agreement that was left at the town hall and wanted to know the status. Next Weiner told everyone that he saw the Town of Danube truck that the Highway Superintendent drives at Wal-Mart, and that Weiner himself saw Pross in there shopping with his wife, Weiner wanted to know why Pross was using the truck for personal use. Weiner then stated that Pross hasn't done anything to help him out and he won't say any more about it because Pross wasn't there but if he was there Weiner said he would call him a liar. Next Weiner asked about the status of the survey that Lasher was handling. Lasher said he talked to the man earlier today and it is taking a lot of time. Lasher told Weiner if he had a complaint to come to Lasher directly. Lasher reminded everyone that the board has hired someone to do the survey but they can't put a time limit on when it gets completed. Weiner then stated that earlier in the year the troopers (Trooper Gage specifically) didn't give a ticket to the wood cutter because Pross told the trooper that the man was on private property. Weiner wanted to know how Pross figured out it was private property if the survey wasn't done. Weiner then stated what he had to go through on November 9th no one should ever have to go through. Jodway did confirm that she saw 3 troopers and the DEC up by Slabe's house taking care of the dog. Weiner finished by stating that something had to be done with the pipe in his driveway.

Resident Mary Ann Alosio spoke next stating that with in this month we had the 3rd 100 year rain, stating that water was coming on to her property and proving with the latest rain that the drainage is very poor up by her house. Alosio stated that nothing is ever taken care of up there and that the highway department only finds a temporary fix and never a solution to the problem.

Resident Fran Alosio was the next to speak stating that all of the work done up in Finks basin was done wrong. Alosio went on to say that every single job is done wrong by the highway department. Alosio referred to the Dobrovolc property and the amount of money the town spent up there wondering why it wasn't done right. Alosio said he knows Pross has a whole town to take care of but if none of it is done right then there is a problem, stating that the water in Finks Basin is a problem. Alosio said that he pays taxes and he has never heard of such stuff, referring to the lies and BS. Lasher told Mr. Alosio he was right but reminded him that the sole responsibility is that of the highway superintendent. Lasher reminded everyone that the highway men can only do what they are told to do. Lasher also stated that it all goes back to leadership. Mr. Alosio then stated that he agreed with Mike about seeing the truck all over even stating that if Pross did his job right then you might be turn your head. Alosio said the problem is that Pross doesn't do his job right. Alosio stated he has seen the truck all over even at Sangertown Mall. Welden then said he thought Pross should be present for the discussion and suggested setting up a meeting with the town residents and the highway to go over what people have complaints about. Welden said they could probably go over the highway agreements also. Councilwoman Stock said that drainage is a crucial problem and was hopeful that it would be worked into the agreements. Lasher said there are such various terrains in the township that when it rains you have to go out and clean

up after every rain stating also that is has to be done continuously. Welden then stated that they have held back on things as a board and they would have to get a meeting scheduled with Pross, the highway men and the town's people. Lasher then stated that Pross is an elected official and can do what he wants. Lasher said that attorney Haak hit it on the head when he said that the towns have antiquated laws and you elected and it is only part time. Lasher then stated again that it isn't the men's fault it is in the administration.

Welden then requested that they move along with the agenda.

7:41 Public Comment was closed.

RESOLUTION # 125

APPROVAL OF AGENDA

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

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

Resolved that the agenda for the meeting be approved.

When moving on to the minutes Jodway mentioned that on line 39 of October 25th minutes she recalls stating that she still hadn't received any phone logs in her mailbox and wondered how they could just go missing. Jodway stated she came down 4 times since December 1st to pick up logs and there were no highway logs. Jodway also reported that she had done some digging and found an article in the Town Topics that stated that using a town truck is a benefit. Jodway asked who deems the value of usage. Welden stated that Pross said it cost about \$1.00 per mile to drive the truck and we reimburse .45 cents per mile. Jodway said she wanted everyone to know that it is a benefit. Lasher said that the \$1.00 per mile cost that Pross came up with was 2 or 3 years ago before the gas price increased. Edmunds then suggested that the board get rid of the truck and pay Pross for mileage for using his own vehicle. Jodway stated that she felt Pross should have to keep a mileage log. Jodway then asked if everyone went for the insurance. Welden replied that Pross decided he didn't want the town's insurance. Jodway said it was just a question she had because it was in the minutes of the 29th.

RESOLUTION # 126

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 October 25th 2006 be approved as submitted making reference to the notes in the paragraph above.

RESOLUTION # 127

APPROVAL OF MINUTES

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 the minutes from November 8th 2006 be approved as submitted.

RESOLUTION # 128

APPROVAL OF MINUTES

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

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

Resolved that the minutes from November 29th 2006 be approved as submitted.

REPORT OF TOWN OFFICIALS

ASSESSOR

Welden reported that he had all of the assessment information on the website except for pictures.

CODES REPORT

The board went over the report submitted by Pat Kelly. Welden then reported that Kelly would be leaving at the end of the year as he is moving. Welden did state that Kelly agreed to work with a new code officer for the month of January for no fee to help out the town. Welden then stated that 3 different people have expressed interest in the position.

TOWN JUSTICE

Welden stated that the town board had received two letters from both Justice Broderick and her husband.

DOG CONTROL OFFICER

Welden stated that there was no report available but did mention that there were 2 dogs taken to the humane society by Hysack and him. Jodway then asked Herringshaw how many dogs were licensed in the town and if it would help if Hysack could issue licenses also. Herringshaw stated that 60 dogs were licensed so far in the year and that Hysack could issue licenses if the board made a resolution to do so. Jodway asked if an enumeration would help. Herringshaw reminded the board that one was done not too long ago at the town's expense and nothing was done with the information that was collected. Herringshaw suggested that if the board was considering an enumeration then they should actually have a plan of action in place before it is done to figure out what to do with the information gathered, suggesting that whomever does the enumeration be allowed to issue licenses on the spot. Herringshaw reported that a dog license in our town only costs

185 \$4.00 per year if the dog is spayed or neutered also stating that once the dog is
186 licensed the renewals usually take place via the mail.

187
188 **TOWN CLERK**

189 Supervisor Welden accepted the monthly report from Clerk Herringshaw for the
190 month of November 2006.

191
192 **CEMETERY BOARD**

193 A report was submitted by Rick Mosher but he wasn't able to make the meeting.

194
195 **SUPERVISOR'S REPORT**

196 **RESOLUTION #129**

197 **MONTHLY REPORT**

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

200
201 **ADOPTED** Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway
202 Nays 0
203

204 Resolved to accept the November's Monthly Report from Supervisor Welden.

205
206 **HIGHWAY SUPERINTENDENT**

207 Highway Superintendent Pross was not present but did provide a report for the
208 board to go over. The board decided that they couldn't really go over the report
209 without Pross there to answer questions. Lasher asked Welden and the rest of the
210 board if they knew why Pross wasn't there. No one knew. Resident Fran Alosio
211 then stated that this kind of thing is exactly what Alosio is talking about with Pross,
212 no accountability. Clerk Herringshaw reminded Alosio that Pross holds an elected
213 position and that if Alosio was so dissatisfied with the job Pross does then maybe he
214 should run for that office himself.

215
216 **OLD BUSINESS**

217 **17b. RESOLUTION # 130**

218 **WIND TURBINE MORATORIUM**

219 On a motion made by Councilman Lasher, seconded by Councilwoman Jodway, the
220 following resolution was

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

223 Resolved that the Town of Danube pass the Wind Turbine Moratorium as presented
224 in the public notice.

225
226 **17c.** Welden reported that the \$5000.00 budgeted for both trash pickup days
227 covered the total cost and stated that residents seem very happy about it.
228

229 17g. Welden stated that the limited maintenance highway situation has to be
230 handled before someone forces the town to build a road on their individual schedule
231 instead of on the town's schedule.
232

233 17j. Welden stated that he would really like approval to get on the waiting list for a
234 higher speed internet connection. Welden said he felt it was the only way to go in
235 the town and there is a 1-3 month waiting period. Jodway said she would like to see
236 a signed policy in place first about the usage before she would agree to anything.
237 Lasher said he agreed with Jodway. Welden said he would eventually like to move
238 his office from his home to the town hall but can't do so without a high speed
239 internet connection in place. Lasher asked Welden how soon he wanted to be
240 moved over to the town hall. Stock said she thought they should go ahead and get
241 on the waiting list.
242

243 **RESOLUTION # 131**

244 **HIGH SPEED INTERNET CONNECTION WAITING LIST**

245 On a motion made by Councilman Edmunds, seconded by Supervisor Welden, the
246 following resolution was

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

249 Resolved that Supervisor Welden put the Town of Danube, Town Hall on the
250 waiting list for a high speed internet connection.
251

252 17l. The board then discussed the electrical inspection that took place in the town
253 garage and meeting room that occurred last week. Joe Polnak reported that the
254 hook up for the generator is screwed up and the policy for turning on the generator
255 is outrageous. Lasher said he would like to see Polnak put that information in
256 writing.
257

258 17m. The board then discussed the letter that Attorney Haak drafted for the
259 previous court clerk pertaining to final payment.
260

261 **RESOLUTION # 132**

262 **PREVIOUS COURT CLERK FINAL PAYMENT LETTER**

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

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

267 Resolved that Supervisor Welden go ahead and mail out the letter drafted for the
268 previous court clerk with final payment.
269

270 **NEW BUSINESS**

271 18b. December 28th at 9:00 a.m. was the date and time set for the Year End Meeting
272 for the Town of Danube.
273

274 **21. Warrants**

RESOLUTION # 133

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 have audited both the general and highway warrants and abstracts for the month and approve for payment for General Claims # 1201 – 1218, and Highway Claims #1201 - 1216.

On a motion made by Supervisor Welden, seconded by Councilman Edmunds, the meeting was adjourned at 9:14 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

YEAR END MEETING, TOWN OF DANUBE, DECEMBER 28, 2006

A yearend 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 28th day of December 2006.

PRESENT: Charles Welden ---- Supervisor
 Allan G. Edmunds ---- Councilman
 James Lasher ---- Councilman
 Patricia Jodway ---- Councilwoman
 Mary Herringshaw ---- Clerk
 Leonard Pross ---- Superintendent of Highways

ABSENT: Lee Ann Stock ---- Councilwoman

Supervisor Welden called the meeting to order at 9:00 A.M. with the Pledge of Allegiance to the Flag.

RESOLUTION # 134

PAY ABSTRACTS FOR MONTH

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

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

321
322 Be it hereby resolved that the town board members audit both the general and
323 highway warrants and abstracts for the month and approve for payment #'s 1301
324 through 1307 for general warrants and #'s 1301 through 1311 for highway
325 warrants.
326

327 At this point the board followed with #4 on the agenda Other Actions and skipped to
328 b – Date for Organizational Meeting and first regular meeting – the board discussed
329 and agreed that the Organizational Meeting was to be held on January 2nd at 8:00
330 a.m. (at the request of Clerk Herringshaw who said she had to be at the town hall at
331 that time for office hours anyways, and would have to go to her full time job
332 immediately after adjournment) and the 1st regular monthly meeting was to be held
333 on Tuesday January 16th (Supervisor Welden had requested going to the third week
334 of the month instead of the 2nd as this meeting would have made it 3 meetings in 3
335 weeks – Councilman Lasher agreed but asked if it could be held on a different night
336 as he had a commitment on Wednesday evening. The board agreed that Tuesday
337 evening would work and Lasher suggested still holding the meeting at 7:00 pm so
338 that there would be less confusion to the town residents who are used to coming to
339 7:00 pm meetings). Welden also mentioned the email he had copied for everyone
340 concerning the inspection of farm buildings. Welden said it would be devastating
341 for the town and would probably mean the town would need a full time code
342 enforcer.
343

344 4c. The town board set January 16th at 6:00 pm as the time to hold interviews for the
345 code enforcer position with the regular meeting to be held at 7:00 pm the same
346 evening. The board requested Herringshaw to put a notice in the paper of the
347 change.
348

349 At 9:30 a.m. Highway Superintendent Pross asked the highway men to join the
350 meeting to discuss salary.
351

352 4a. Supervisor Welden started off by stating that the federal minimum wage was
353 increasing in 2007 and they would have to raise the labor rate (the town didn't have
354 a choice). Welden went on to say that he didn't have a problem raising the salaries
355 for everyone across the board by .50 cents per hour and leaving the vacation and
356 sick time the same. Pross then said that the wing people come in on a as needed
357 basis not like in other towns who hire them full time, Pross said he wanted the board
358 to know how fortunate the town is to have people willing to come in for just a couple
359 hours a day as needed thinking that the 50 cent increase is justified.
360

361 Next there was a lengthy discussion about where the money is distributed within the
362 budget to show how much is spent on plowing county roads vs. town roads. Lasher
363 said he would like to see how many actual hours for the part time help is spent on
364 county and town roads. Lasher said he wanted everyone to know that he wouldn't
365 agree to anything without knowing how much it cost to plow the roads. Lasher then
366 explained how easy it should be to track that information and explained how they

367 did it on the thruway to figure out how much was being spent to plow (repairs, salt,
368 labor, fuel etc). Lasher said he would like to see an itemized payroll for town roads
369 vs. county roads. Welden said there would be a lot more work involved to capture
370 that information. Lasher again said that it should be pretty easy to keep a log of
371 how much time is spent on each road in one swing but did tell Welden if he didn't
372 want to do it then not to if it was too much paperwork.

373
374 Mark Warner then asked the board why he hadn't received a response about his
375 request for increased vacation and sick time over the past few years. Warner
376 reminded them that he has put up with a lot working for this town and there should
377 be some kind of incentive in place to make you want to come to work and there isn't
378 in this town. Warner said he had asked for a 3rd week's vacation and more sick
379 time and it was tabled and he wanted to know why nothing has been done about it.
380 Lasher said that in 2000 the board capped vacation and sick time. Lasher also said
381 that he felt 2 weeks vacation was enough for anyone. Welden said he agreed and
382 that as a teacher he had far too much time when he retired. Warner asked Lasher if
383 that was how much vacation Lasher received per year from the thruway. Warner
384 said that he was told by Welden, that it was tabled not capped. Warner then said he
385 had concern about what would happen to his home and family if he was out of work
386 for an extended period of time and did not have the sick time to cover his wages in
387 his absence. Warner then brought up an incident in the past where an employee
388 was out of work longer than the sick time allowed reminding everyone that that
389 employee got full compensation from the town for his time out. Lasher said the
390 employee had been working for the town for a long time and the town only gave him
391 the funding for the difference from what disability didn't cover. Lasher also
392 admitted that the town board probably shouldn't have done that either. Darrin
393 Fisher then asked about bereavement time off. Fisher said he had heard from
394 another town that the employees are allowed a specific number of bereavement days
395 off. Lasher said it is up to each town to put bereavement leave into their policy.
396 Lasher reminded the men that they didn't belong to a union where there are
397 specifics in place that have to be followed. There was then a heated discussion
398 between Lasher and Welden about the benefits that Lasher received from paying
399 union dues dating back to 1978 when it was mandatory for all employees to pay into
400 the fund. Lasher said he never benefited in anyway from a union and he would call
401 any person a liar that said any different. Herringshaw then interrupted Lasher to
402 try and tell him that Welden was apologizing for the possible misstatement but
403 Lasher had told Herringshaw to shut up because she was only the town clerk and it
404 wasn't any of her business. Welden then reminded everyone there that both Darrin
405 and Bernie would be getting an extra week vacation this year as they were both
406 starting the 6th year. Warner stated that he hated this time of year when he had to
407 ask the board for anything extra. Lasher asked Warner and the other men not to
408 look at this personally because any changes fall on the backs of the taxpayers and
409 the board is spending the tax payer's money. Warner said that the benefits are an
410 incentive to stay working for the town. Welden asked what the rest of the board felt
411 about adding a couple of sick days. Jodway asked how many the men had now.
412 Welden said the men received 6 eight hour days currently (both personal and sick

combined) accumulating up to 30 days. Edmunds said that when he was working if you missed more than 2 days of work you had to have a doctor's excuse to return to work. Welden said he would write up a couple of resolutions where the board could put in any numbers that they wanted. Welden then asked the board again what they felt about giving a 50 cent raise across the board.

RESOLUTION # 135

SALARY INCREASE

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

ADOPTED Ayes 4 Welden, Edmunds, Jodway

Nays 0

Abstain 1 Lasher

Resolved that the salaries for everyone be raise 50 cents across the board.

Lasher said he didn't object to them getting a raise he just didn't feel the discussion was finished.

Lasher then said he would like to talk about some other issues. Lasher said that Jodway had been asking for a phone log from the highway department and wanted to know what the men thought about it. Fisher said he didn't think it was anyone's business if he his wife called him. Mosher said he thought it was a little too time consuming for the amount of times the phone rings. Warner said he tried it and it just doesn't work. Lasher then asked the men why they even answered the phone, stating that it doesn't make sense to him for someone to crawl out from under a truck to answer the phone. Fisher asked what the purpose of the phone log was. Jodway said it was to reconcile the bills. Jodway then said she had come down to the garage 4 times since the 1st of December to pick up the logs and they were not in her mailbox. Pross said that for 4 months in a row he left them in Jodway's box and he didn't know why she didn't get them.

Pross then asked if he could ask a question before the meeting was adjourned about the budget figures. Pross said that on the 2006 budget there was \$329,000 in highway and on the 2007 budget it only says \$328,000 and he wanted to know where the \$1000 shortage went. Welden said he would look into it but it was probably just his typing error.

On a motion made by Supervisor Welden, seconded by Councilman Edmunds, the meeting was adjourned at 11:08 A.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk