

1 **REGULAR MEETING, TOWN OF DANUBE, MAY 9, 2007**

2
3 **A regular meeting of the Town Board of the Town of Danube, County of Herkimer**
4 **and State of New York was held at the Town Hall, 438 Creek Road, Little Falls, NY**
5 **on the 9th day of May 2007.**

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 pm with the Pledge of**
18 **Allegiance.**

19
20 **Warrants**

21 **RESOLUTION # 61**

22 **PAY ABSTRACTS FOR MONTH**

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

25
26 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
27 **Nays 0**
28

29 **Be it hereby resolved that the town board members audit both the general and**
30 **highway warrants and abstracts for the month and approve for payment #'s 0501**
31 **through 0512 (\$1864.52) for general warrants and #'s 0501 through 0517**
32 **(\$11845.69) for highway warrants.**

33
34 **HIGHWAY REPORT**

35 **Highway Superintendent asked the board if there were any questions with the**
36 **report he submitted. Pross then told the rest of the board that Welden suggested**
37 **they do a drive around to discuss where summer work should be done. Pross said**
38 **this would save time by getting the board input as to what they thought needs to be**
39 **done. Welden said it would be very helpful to have everyone drive around to see**
40 **what needs to be done. Pross then asked the board for thoughts on repairing**
41 **Kronkite Road. Lasher said that tractor trailers and milk tankers are ruining the**
42 **road. Lasher asked Pross if there were any weight limit signs posted on any of the**
43 **roads (referring to axle weight limit). Pross said that the town couldn't stop a**
44 **driver from doing business. Lasher said you can if there is another road or route to**
45 **use. Pross then said that the bus is doing a lot of the damage up there and he is**
46 **getting no cooperation from the school. Pross said he has asked the bus driver to go**
47 **down further and make the turn but the driver refuses to do that. Lasher asked**
48 **Welden to invite the Ft. Plain School Superintendent to the next board meeting.**
49 **Lasher said if Pross is running into a stone wall then the board will take over,**

50 explaining that this way it is taken right out of Pross's hands and the board can
51 settle it with the school system. Lasher also recommended not doing anything with
52 the road until the situation is resolved up there explaining that it didn't make sense
53 to put any more money into it right now. Jodway asked Pross about the status of
54 the gravel beds. Pross explained that they went up there and dug test holes and Al
55 Edmunds took pictures. Pross said that basically they had 5000 – 6000 yards that
56 didn't look too bad. Jodway said she wished she had known because she would have
57 liked to look at it with her own eyes. Lasher reminded everyone that the board
58 agreed last year with the highway department to use the stuff under the over burden
59 as there is still 1/3 up there to use. Lasher said that Kronkite Road would be a good
60 place to use it. Pross said that Kronkite Road would take over 7000 yards to fix it
61 and wondered if the board would want to use it all up there. Lasher said that he
62 thought the highway department should use the town's gravel first to save the town
63 money. Lasher told Pross he could then dress it up with better material. Lasher
64 said it would be equal to anything on any road out there right now. Pross said if
65 they put fiber on it then he would consider using it. Welden then asked if the east
66 end of the gravel bed could be used. Lasher said that was the piece they were
67 talking about. Lasher felt they should strip the gravel bed and use the top on
68 Kronkite Road and then see what they have up there. Lasher also reminded Pross
69 that he agreed to do the work up there and let it set for a year to see how it held up
70 over the winter before oil and stoning it (reminding everyone that Vestal did make a
71 verbal agreement to come back and redo the road but never did follow through).
72 Stock then asked about dates for a drive around. Lasher suggested that Pross look
73 at his help situation for the summer before they did a drive around. Lasher said
74 Pross should figure out how much he would be able to get done this summer with
75 the limited help with one man out. Pross reminded the board that the FEMA money
76 that was given to the town had to be used on the 3 jobs that it was meant for and
77 those jobs had to be done. Pross said he would use Horender's for one job and the
78 highway department for the other two. Jodway then asked Pross what the status of
79 employee Mark Warner was. Pross said Warner would be out for 2 months after
80 his surgery which was supposed to have taken place earlier today but because
81 Warner was sick they didn't do the surgery. Lasher still suggested it would be a
82 good idea to get the jobs done that were started at the beginning of the year. Lasher
83 said he would need answers before he would agree to anything more. Lasher said
84 one question he had from last month was what the status of Little Falls Fuel was.
85 Lasher asked Pross how they were getting along. Pross said things were fine.
86 Lasher then asked Pross about the comment he made about the trucks freezing up.
87 Pross said he didn't say that the trucks were freezing up only the tanks. Lasher
88 reminded Pross that he said the nozzles and filters were freezing up. Pross said he
89 told the board that the fuel froze in the tank and the men couldn't get it out two or
90 three times. Lasher said he was told by the men that the fuel nozzle froze up and
91 that it has done it before with other fuel companies. Lasher then asked about the
92 status of the town barn break in. Pross said that Darrin told him it was broken into
93 and that a tow chain was missing. Pross said that the lights were also left on.
94 Lasher then questioned Pross about the statement he gave the board about speaking
95 to Trooper Jess. Lasher told Pross that he actually called the troopers himself to get
96 information about the break ins and was told there isn't a Trooper Jess. Pross said
97 it was Trooper Pete Mills not Jess. Lasher asked him why he said it was Jess then to
98 the board. Lasher then asked Pross what happened to the Dodge truck

transmission. Lasher wanted to know where Pross was when it went bad. Pross said he went for parts in Syracuse and was on his way back to Little Falls on the Thruway in Herkimer when it broke down. Lasher then asked Pross who was with him in the truck when it broke down and who towed the truck back to the garage. Bob Drummond spoke up and said that he was with Pross in the truck when it broke down. Lasher then asked how the truck got back to the garage. Pross said that Drummond towed it back. Lasher asked Pross why he didn't have one of the highway employees tow it back. Lasher then reminded Pross that by having someone else in the truck with him and then having someone else tow it back leads to both a liability and code of ethic issue. Lasher then asked Pross if he drove the truck knowing it had a leak. Pross said he didn't. Lasher then told Pross that when he was at a Pancake Breakfast in Ames to benefit the fire department, Brad approached Lasher and told Lasher that Pross said he knew the truck was leaking and still drove it. Pross denied it. Welden then changed the subject to the Security System that Pross was looking into. Welden asked Pross if he had the copy of the estimate. Pross said he had one but he thought Welden was going to take care of it so he didn't keep a copy. Welden said he thought he might have the contact information in his paperwork so he would call him. Jodway then asked Pross about the culvert in front of Sitterly's. Jodway asked if Pross had him sign a release form so the town wasn't responsible. Lasher asked why he plugged the ditch. Jodway asked why he didn't go on the other side of Volo's driveway. Pross said that water is going through both culverts. Jodway said that if this causes a water problem in front of her yard she would be filing a complaint with the town. Pross said with the amount of stone and water that flows down there he doesn't think there will be a problem. Jodway asked if Pross had been down to inspect it. Pross said he was down there earlier today but he wasn't there. Pross reminded Jodway that he wouldn't have let him put it there if he thought it would cause a problem down the road. Lasher asked Pross what he would do if there was a holiday weekend with no one from the highway department around and there is a storm and it washes out a lawn. Jodway said it is going to be a problem. Welden then asked about a date for a drive around. The board agreed on the 24th at 7:00 a.m. Pross then told the board that he would like to get a motor job done on D1 this summer. Pross asked the board if they looked over the estimate he had given them. Lasher said the estimate didn't give a break down of exactly what was going to be done and covered and before he would agree to a commitment he would have to see that. Lasher also said he would like to know from both Pross and the board what direction they are going in. Lasher reminded Pross that he told the board a few years ago that he needed a new truck because the old ones were junk and now he wants to put thousands into the old trucks after the town bought a new one. Lasher again asked what direction Pross was going in because Lasher said next year he didn't want to hear Pross say he needs another new truck after they put all of this money into one of the old trucks. Pross said that the truck has a lot of hours on it and it needs the work done. Lasher said he is all for it if it needs it but Lasher said that after talking to the men he isn't convinced that it needs the work done. Pross said the guy who drives it says it needs it. Lasher then asked Pross if he checked it out himself or if he is letting one of the guys tell him he should spend over \$8000. Pross asked what would happen if it breaks down in the middle of winter. Lasher again said he hasn't seen any proof that it needs a new motor but said he is only one vote. Jodway said she would like to table the discussion until more information is brought to the board. Pross asked

148 Jodway what more information she wanted. Welden suggested that the board look
149 at all of the estimates and then look at the request again next month. Welden
150 suggested that Pross tentatively write up what road work needed to be done. Pross
151 asked the board if he should continue on Highway 4. Welden said yes. Edmunds
152 said getting back to the truck estimate he would like to know what it would take to
153 get an estimate. Lasher said an estimate from someone that actually comes up and
154 looks at the truck. Pross said that Darrin is telling him one thing and the board
155 something different. Edmunds said if Pross could get two independent opinions that
156 say the truck needs an over haul then it needs one.

157
158 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**
159

160 At 8:30 p.m. Supervisor Welden opened the floor to public comment.
161

162 Resident Bill Bergen asked the board what he had to do to register for a grievance
163 with the board of assessment review. Clerk Herringshaw gave him the paperwork.
164

165 Resident Rich Reinhardt was the next to speak asking the board who hired the
166 assessor and if the town would ever go back to a town assessor. Welden said the
167 town would go back to a town assessor if they could find someone. Reinhardt then
168 asked Welden to explain why the town decided to do the revaluation to get us back
169 to 100%. Reinhardt then told the board that he wasn't very happy when he came
170 down to speak with the assessor and after 1 ½ hours on the phone he still thought
171 his assessment was excessive. Reinhardt said he didn't mind paying his share but he
172 would be coming to the BAR date.
173

174 Resident Michael Weiner was the next to speak. Weiner reminded the board that
175 he has requested 4 times to have the drainage pipe in the driveway taken care of.
176 Weiner said he gave the board a letter on May 9th 2006 and still hasn't heard
177 anything back about where the road ends or the survey. Welden explained that the
178 board is in contact with a surveyor but they are still waiting on information. Pross
179 asked Weiner who concreted up the end of the culvert originally that is causing all
180 of the problem now. Welden said they couldn't do anything about it until the
181 survey is done.
182

183 Resident Jim Cuffe was the next to speak. Cuffe said there are a lot of illegal dumps
184 in the town and the place above him is a town sanctioned dump. Cuffe explained
185 that for the past month the guy has brought truck loads of tires up there and then
186 today the town highway department went up there and strategically dumped dirt in
187 front of each of the piles of tires so that the owner could cover them up the next day.
188 Cuffe said that the tires are going to be buried right above his well and that the
189 town is a part of the problem. Code officer Greg Lynch agreed to go up and take a
190 look and pictures with Cuffe right then. Pross said the highway department
191 dumped sand from the side of the road up there and if he uses it to cover tires it
192 isn't the town's problem. Cuffe said that Pross thinks I am just mad because I was
193 on the list to get dirt and didn't get any but it is more than that and I don't think the
194 town should be helping this resident cover up tires, appliances and everything else
195 that he buries up there. There was a heated discussion between Cuffe and Pross at
196 this time.

197
198 **Bob Drummond then addressed the board stating that incidents like this should be**
199 **directed to the board only so that things don't get out of hand.**
200

201 **Pross then said that the highway department gives sand to anyone who wants it but**
202 **they won't jeopardize getting stuck to leave it. Pross said where Cuffe wanted us to**
203 **drop off sand was in a spot where the water came over Pross's shoes.**
204

205 **Eileen Warner then reminded everyone of a memorial service for Leo Singer that**
206 **would take place on June 2nd at the Indian Castle Church. She also said there would**
207 **be an action on July 28th to benefit the church foundation and if anyone wanted to**
208 **donate anything they could see her.**
209

210 **Blair Frasier then told the board that they had the right to rescind a law that was**
211 **too stringent on the town's people. Frasier also said he was concerned about the**
212 **wind turbine generators.**
213

214 **Denis Korce, county legislator then spoke about workers compensation, the**
215 **reevaluation process, wind mills and the jail.**
216

217 **9:33 Public Comment was closed.**
218

219 **At 9:34 there was a brief intermission until 9:37.**
220

221 **RESOLUTION # 62**

222 **APPROVAL OF AGENDA**

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

225 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
226 **Nays 0**
227

228 **Resolved that the agenda for the meeting be approved.**
229

230 **At this point the board discussed the minutes from April. Jodway referred to line**
231 **67 and wanted to know who was in charge of the highway department when Pross**
232 **was on vacation. Pross said that there was a resolution made that he is still in**
233 **charge even when he is away. Jodway questioned why Pross hadn't notified the**
234 **board that he was going away incase there was a problem. When Pross didn't reply**
235 **Jodway asked Stock if she was notified as she was the board contact for Pross for**
236 **the month. Stock said she wasn't notified.**
237

238 **RESOLUTION # 63**

239 **APPROVAL OF MINUTES**

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

242 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
243 **Nays 0**
244

245 **Resolved that the minutes from April 11th be approved as submitted.**

246
247 **REPORT OF TOWN OFFICIALS**

248
249 **CODES REPORT**

250 Code official Greg Lynch was present to answer any questions about the report
251 submitted. The board agreed to set a discussion session for Tuesday June 5th @
252 7:00 pm with Lynch to go over the new law from NY State. Lynch also reported
253 that there are 3 new houses going up in the town. Lynch said he had received a lot
254 of calls about garages also.

255
256 **TOWN JUSTICE**

257 Supervisor Welden mentioned that Petrie had been certified and is now holding
258 court. Welden also recommended bumping up Petrie's salary as he is the only
259 justice for the town right now.

260
261 **RESOLUTION # 64**

262 **JUSTICE SALARY INCREASE**

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

265 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
266 **Nays 0**

267
268 Resolved that the justice salary for Justice Richard Petrie be increase to the level
269 where the first justice was (\$7750) now that he is the #1 justice for the town.

270
271 The board also discussed the clerk to the justice job description. Welden said he
272 was going to send it to Judge Murphy to take a look at.

273
274 **TOWN CLERK**

275 Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw
276 for the month of April 2007.

277
278 **CEMETERY BOARD**

279 The board went over the report submitted by Rick Mosher along with the minutes
280 from the annual meeting. Jodway questioned Pross about a sign for the town hall
281 after reading that the highway department was working on a sign for one of the
282 cemeteries.

283
284 **SUPERVISOR'S REPORT**

285 **RESOLUTION # 65**

286 **SUPERVISOR'S MONTHLY REPORT**

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

289 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
290 **Nays 0**

291
292 Resolved to approve the April 2007 monthly report from Supervisor Welden.

293
294 **OLD BUSINESS**

17e. The board agreed to look at the highway turn around sites when they did the drive around.

17f. Welden asked Pross about the status of the Limited Maintenance Highway reminding Pross that the law has been in place for 2 years now. Pross said it is just a matter of classifying the roads now.

17j.

RESOLUTION # 66

INTERNET USAGE POLICY

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

Resolved to adopt the Internet Usage Policy for all town personnel.

NEW BUSINESS

Welden explained to the board that he had purchased the Court Lap Top Computer form former Justice Broderick and wanted the board to think about purchasing it from him for the current town justice to use. Welden said it was expensive (\$1100) but he felt is was critical to get it back into the town.

CONFERENCE REQUEST

RESOLUTION # 67

TOWN CLERK & RMO REQUESTS

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

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

Resolved to approve attendance of Mary Lou Herringshaw to the Records Management Class to be held in Herkimer County Office Building and attendance to the Herkimer County Town Clerk Association 40th anniversary dinner and meeting.

On a motion made by Councilman Edmunds, seconded by Councilman Lasher, the meeting was adjourned at 11:25 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk