

1 **REGULAR MEETING, TOWN OF DANUBE, JUNE 13, 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 13th day of June 2007.**
6

7 **PRESENT:** Charles Welden ---- Supervisor
8 Allan G. Edmunds ---- Councilman
9 Patricia Jodway ---- Councilwoman
10 Mary Herringshaw ---- Clerk
11

12
13 **ABSENT:** Lee Ann Stock ---- Councilwoman
14 James Lasher ---- Councilman
15 Leonard Pross ---- Superintendent of Highways
16

17 **Supervisor Welden called the meeting to order at 7:04 pm with the Pledge of**
18 **Allegiance.**
19

20 **Councilwoman Stock arrived at 7:10 pm**
21

22 **Councilman Lasher arrived at 7:16 pm**
23

24 **All five members of the board looked over the abstracts for the month.**
25

26 **Warrants**

27 **RESOLUTION # 68**

28 **PAY ABSTRACTS FOR MONTH**

29 **On a motion made by Councilman Edmunds, seconded by Councilwoman Jodway,**
30 **the following resolution was**
31

32 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
33 **Nays 0**
34

35 **Be it hereby resolved that the town board members audit both the general and**
36 **highway warrants and abstracts for the month and approve for payment #'s 0601**
37 **through 0616 (\$4683.88) for general warrants and #'s 0601 through 0618 (\$7548.96)**
38 **for highway warrants.**
39

40 **HIGHWAY REPORT**

41 **Highway Superintendent was not present to go over the report submitted or to answer**
42 **questions.**
43

44 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**
45

46 **At 7:50 p.m. Supervisor Welden opened the floor to public comment.**
47

Welden started out by addressing the 3 members of the Board of Assessment review that were present for the meeting asking them if there was a reason they were there and if they wanted the floor first. David Ward stood up and spoke on behalf of all three current members stating that grievance day on the 29th went well with 18 residents showing up totaling 26 inquiries with the mail ins. Ward went on to explain that one person brought in several pictures, of properties throughout the town, then questioned the BAR as to how his taxes could go up when there are places in the town that look like the ones in the pictures. Ward said that there were at least 6 other residents with very similar comments and concern also stating that the BAR felt it was their duty to come to the board with the concerns. Ward turned the pictures over to the town board. Lasher asked Ward if the concerns were expressed by long term or short term residents. Ward replied that there were both long and short term concerned residents. Code officer Greg Lynch then spoke up saying he agreed with the concerned residents telling the board that the property maintenance law would take care of a lot of the problems. Lynch also said that the residents have a legitimate gripe when it comes to the assessments. Ward pointed out that the residents that the BAR spoke with were very concerned and were not using the problems to try and get their assessments reduced – but felt that something should be done about the problems. Lasher then said that everyone should be looked at equally because he recalls as a JP there were issues that came up that the rules didn't apply to everyone. Welden suggested that the code officer gently approach the residents with the most severe problems and then as a last result bring the justice into the picture. Stock then said that maybe some people just don't have the money to fix up their places. Ward finished by stating that grievance day went very well other than that. Welden then thanked the BAR members on behalf of the town for doing the job as he stated that this year was not a normal year. Welden then reported that the good news was that the tentative equalization rate set by the state was 100%.

Resident Blair Frasier spoke next reminding the board and other residents present that farmers have to follow the ag and market law and they have the right to keep junk equipment on their property. Frasier said they are exempt from the code laws. Frasier finished by warning the board that a farmer would beat the town in court if it went that far. Lasher then told Frasier that he agreed with him 100% but overall everyone should be treated fairly reminding Frasier that there are guidelines in place for everyone to go by. Lasher said when he brought up farmers before in terms of fairness it wasn't that he was trying to single them out just trying to make everyone aware that they had to be fair to everyone. Welden said he felt that the board could support a mild manner approach and suggested doing up another news letter stating that there will be a fall trash day. Welden also took a moment to refer back to the resident that complained at the last board meeting stating that the area up by his house was getting worse and worse, Welden said he took a drive up there and he felt it looked better than it has in a long time.

Resident Harry Jouben was the next to speak. Jouben reported to the board that he was the resident that had taken all of the pictures and turned them over to the BAR. Jouben said that 20 years ago he came to a board meeting and spoke with a councilperson and about the code situation, explaining to that board member that if

the town didn't start enforcing the code laws there would be a mess in the town. Jouben said he is not picking on any one person, farmer or business but with his assessment going up 4 times do to the revaluation he thought it was time that everyone adhered to the code laws. Jouben again stated that 20 years ago he was told that there was nothing the board could do about enforcing the code laws and said we are in the same spot 20 years later. Jouben said he couldn't believe the board could sit up there and justify not doing anything about the mess all over the town because they were worried about being sued. Lasher spoke up stating that when he voices his own opinion – it is indeed his own opinion and not the other 4 members of the board. Lasher said he can't answer why Jouben's assessment quadrupled but explained to Jouben that when Lasher's had a complaint about his assessment he brought it to the correct people and they got it settled. Jouben said he is just stating that he complained 20 years ago and things are so much worse now then they were back then. Jouben again stated that he was not trying to criticize anyone but wondered if the board was going to have the same mentality as they did 20 years ago or is the board moving forward. Jouben said the 3 BAR members came to this board meeting to say – Town of Danube there is a problem. Lasher replied that with the 18 people that complained he also has to be considerate to the 1100 residents in the town that he represents as a board member. Welden suggested encouraging people to take pride in their property and that way they would be willing to make changes. Resident Michael Weiner then spoke up saying that he has lived up on the hill since 1978 and there is nothing the town will be able to do to get the bus people up above him to take pride in their surroundings. Jouben then stated he wanted to emphasize that he was not picking on one particular person and that he only took the pictures to grieve his taxes, not to start a drive to clean up the community. Jouben also stated that he only came to the meeting tonight to find out about the trailer next to him – he said he didn't even know the BAR would turn the pictures over to the town board. Lynch replied that he did send a letter of violation to the kid with the trailer and it is supposed to be moved out of there. Jouben finished by stating that he didn't take the pictures to start trouble and he hopes that that goes into the minutes. Lasher stated that everything that is said in these meetings is public comment and would be in the minutes and on the website.

Resident Eileen Warner spoke next asking the board if they knew if Barb LeRoy was still interested in assessing for the town. Lasher said yes she was and someone would have to get in touch with her.

Before public comment was closed Edmunds said he would like to thank Lois Miklich for stepping out and returning to the BAR.

8:49 Public Comment was closed.

RESOLUTION # 69

APPROVAL OF AGENDA MOVED UP

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

ADOPTED Ayes 5

Welden, Edmunds, Stock, Lasher, Jodway

Nays 0

144
145 **Resolved to move the order of the changes to and approval of the agenda above**
146 **auditing the bills.**

147
148 **RESOLUTION # 70**

149 **APPROVAL OF AGENDA**

150 **On a motion made by Councilman Edmunds, seconded by Councilwoman Jodway,**
151 **the following resolution was**

152 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
153 **Nays 0**

154
155 **Resolved that the agenda for the meeting be approved.**

156
157 **RESOLUTION # 71**

158 **APPROVAL OF MINUTES**

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

161 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
162 **Nays 0**

163
164 **Resolved that the minutes from April 25th be approved as submitted.**

165
166 **RESOLUTION # 72**

167 **APPROVAL OF MINUTES**

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

170 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
171 **Nays 0**

172
173 **Resolved that the minutes from May 2nd be approved as submitted.**

174
175 **RESOLUTION #73**

176 **APPROVAL OF MINUTES**

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

179 **ADOPTED Ayes 5 Welden, Edmunds, Stock, Lasher, Jodway**
180 **Nays 0**

181
182 **Resolved that the minutes from May 9th be approved after changing the wording on**
183 **line 201 to debris from roadside not sand.**

184
185 **REPORT OF TOWN OFFICIALS**

186
187 **CODES REPORT**

188 **Code official Greg Lynch was present to answer any questions about the report**
189 **submitted. The board also set the date of July 18th at 6:00 for the hearing on the**
190 **New Law from NY State.**

191

TOWN JUSTICE

Supervisor Welden mentioned that Petrie had been having trouble with the computer program so SEI was sending a CD to him by Friday to fix the problems.

TOWN CLERK

Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw for the month of May 2007.

CEMETERY BOARD

The board went over the report submitted by Rick Mosher noting that there was no change from last month.

SUPERVISOR'S REPORT

RESOLUTION # 74

SUPERVISOR'S MONTHLY REPORT

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 approve the May 2007 monthly report from Supervisor Welden.

OLD BUSINESS

17b. Supervisor Welden passes out a sample of a wind tower law noting that the only thing he did was add #9 to it. Welden asked the board to look it over.

17g. Welden reported that he did send a letter to both Dr. K & S. Sharma to see if there was any interest of one or both of them wanting to be health officer for the town. Herringshaw said she would follow up with them to see if they received the letter.

17h. Welden said he would get Norman Mastamoro to do a legal notice for the code law hearing for the town.

17i. Welden reminded the board that they had to figure out what to do with the court and meeting room following up with the meeting with Judge Murphy.

17l. Lasher said that he felt the highway spending had to be curbed. Lasher said it is ridiculous to spend \$275.00 on a welding helmet, stating that it is a blatant misuse of town money. Lasher also reminded the board that there is as resolution in place that says no one can spend more than \$500 on one purchase and that the totals that can be spend during one month is \$1000 without notifying the board first. Lasher also stated that the town has to establish a boundary for the Leon Ucasz property explaining where the town responsibility lies. Lasher said the town had to get rid of the .22 miles that extends right to the barn door.

17m. The state mandated code law hearing is set for July 18th @ 6:00 pm.

NEW BUSINESS

19a. RESOLUTION # 75

WIND TOWER MORATORIUM EXTENSION

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 extend the moratorium on wind towers by 90 days.

19b. There was a discussion on William Pavalock's question regarding a junk yard permit application from July 20, 1999. The board recognized that after reviewing the license agreement and according to application #7 the license did indeed expire.

19d. Herringshaw notified the board that she wouldn't be available for the August 8th regularly scheduled board meeting and asked the board to consider having the board meeting the week before or the week after. The board agreed to move the meeting to the week after on August 15th @ 7:00 pm.

On a motion made by Councilman Edmunds, seconded by Councilman Lasher, the meeting was adjourned at 11:07 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk