

ORGANIZATIONAL MEETING, TOWN OF DANUBE, JANUARY 2, 2008

An organizational 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 2nd day of January 2008.

Supervisor Welden called the meeting to order at 9:02 a.m. with the Pledge of Allegiance, following the "swearing in" of newly elected officials Supervisor Charles M. Welden, Town Clerk Mary Lou Herringshaw, Councilman James Lasher, Highway Superintendent Leonard Pross, Councilwoman Alicia Cook, Councilwoman Jodway administered the oath of office.

PRESENT: Charles Welden ---- Supervisor
James Lasher ---- Councilman
Patricia Jodway ---- Councilwoman
Alicia Cook ---- Councilwoman
Mary Herringshaw ---- Clerk
Leonard Pross ---- Highway Superintendent

ABSENT: Lee Stock ---- Councilwoman

RESOLUTION #1

OFFICIAL DEPOSITORIES

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

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

Resolved that Bank of America of Little Falls, and M&T of Little Falls, Adirondack Trust of Little Falls and Citizens Bank of Herkimer and NBT be designated official depositories for the Town of Danube for the year 2008.

RESOLUTION #2

OFFICIAL BONDS

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

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

Resolved that Town Officials be bonded as listed.

Supervisor	\$16,000.00
Tax Collector	\$49,000.00
Town Clerk	\$10,000.00
Town Justice	\$10,000.00
Highway Superintendent	\$10,000.00
Justice Clerk	\$10,000.00

RESOLUTION #3

52 **OFFICIAL NEWSPAPER**

53 **On a motion made by Councilman Lasher, seconded by Councilwoman Cook, the**
54 **Following resolution was**

55 **ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook**
56 **Nays 0**

57
58 **Resolved that both The Little Falls Evening Times and The Observer Dispatch be**
59 **designated as the Official Newspapers for the Town of Danube for the year 2008.**

60
61 **RESOLUTION #4**

62 **REGULAR MEETING**

63 **On a motion made by Supervisor Welden, seconded by Councilman Lasher, the**
64 **following resolution was**

65 **ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook**
66 **Nays 0**

67
68 **Resolved that the second Wednesday of each month at 7:00 p.m. be designated as**
69 **the regular meeting date for the Town of Danube Town Board for the year 2008.**

70
71 **RESOLUTION #5**

72 **FIRE WARDENS**

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

75 **ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook**
76 **Nays 0**

77
78 **Resolved that the following people be appointed as fire wardens for the Town of**
79 **Danube for the year 2008: Keith Cagwin, Richard Kapala, Daniel Downing,**
80 **Charles Welden, Rick Mosher, Leonard Pross and John Delnero.**

81
82 **RESOLUTION #6**

83 **INVESTMENTS**

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

86 **ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook**
87 **Nays 0**

88
89 **Resolved that the Supervisor be authorized to invest certain funds in interest**
90 **bearing certificates of deposit, savings accounts or treasury bills until needed to pay**
91 **town obligations for the year 2008. Also the Supervisor is authorized to pay utility**
92 **bills and postage upon receipt and show those in the monthly warrants or**
93 **Supervisor's Report.**

94
95 **RESOLUTION #7**

96 **OFFICIAL'S PAYROLL DATE**

97 **On a motion made by Councilman Lasher, seconded by Councilman Edmunds the**
98 **following resolution was**

99 **ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook**
100 **Nays 0**

101
102 **Resolved that the official's payroll would be paid monthly on the second biweekly**
103 **pay period of the month instead of quarterly.**
104

RESOLUTION #8

SALARIES, ELECTED OFFICIALS

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

ADOPTED Ayes 3 Welden, Lasher, Cook

Nays 0

Abstain 1 Jodway

Resolved that the following salaries be fixed for the year 2008 as in the budget and the legal notice in the newspaper. Supervisor: \$6250, Town Justice: \$7750, Councilperson: \$2500 each, Town Clerk: \$4600, Tax Collector: \$2000 and Highway Superintendent: \$28,580 w/ the waiver of health insurance (includes Salary of \$23,580 and \$5,000 for waiving health insurance).

Jodway did state that next year at budget time there would be some changes made.

RESOLUTION #9

SALARIES, HIGHWAY

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

ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook

Nays 0

Resolved that the following salaries be fixed for the year 2008 – One job description with six steps for full-time, Permanent employees ranging in pay from \$10.20 per hour at step 1 to \$14.47 per hour at step 6. Step 3 will be \$11.86 per hour. Step 4 will be \$12.19 per hour. Step 5 will be \$13.07 per hour.

The board did discuss overtime and suggested to avoid paying overtime to part time employees, other people should be used as wing people on a rotating basis.

RESOLUTION #10

SALARIES, OVERTIME

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

ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook

Nays 0

Resolved that the following salaries be fixed for the year 2008 - Overtime (only for full-time employees) at 1.5 times the hourly rate.

RESOLUTION #11

SALARIES, DOG CONTROL OFFICER

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

ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook

Nays 0

Resolved that the following salaries be fixed for the year 2008 - \$1500.00 per year to be paid on a Monthly basis.

RESOLUTION #12

SALARIES, CODES ENFORCEMENT OFFICIAL

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

ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook

Nays 0

158 **Resolved that the following salaries be fixed for the year 2008 - Codes Enforcement**
159 **Official to be \$3000.00 per year to be paid on a Monthly basis.**

160
161 **RESOLUTION #13**

162 **SALARIES, LABOR RATE**

163 **On a motion made by Councilwoman Jodway, seconded by Councilwoman Cook,**
164 **the following resolution was**

165 **ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook**

166 **Nays 0**

167 **Resolved that the following salaries be fixed for the year 2008 - Labor Rate (General**
168 **& Highway) \$7.50 per hour (with no overtime available).**

169
170 **The board reminded Highway Superintendent Pross to make sure no over time is**
171 **worked for part time employees.**

172
173 **RESOLUTION #14**

174 **SALARIES, RMO AND REG VIT STATISTICS**

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

177 **ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook**

178 **Nays 0**

179 **Resolved that the following salaries be fixed for the year 2008 - RMO = \$600.00 and**
180 **Reg. Vital Statistics = \$500.00**

181
182 **RESOLUTION #15**

183 **ATTORNEY**

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

186 **ADOPTED**

187 **Ayes 4 Welden, Lasher, Jodway, Cook**

188 **Nays 0**

189
190 **Resolved that the position of “Attorney for the Town” continue.**

191
192 **RESOLUTION #16**

193 **APPOINTMENTS**

194 **On a motion made by Supervisor Welden, seconded by Councilman Lasher, the**
195 **following resolution was**

196 **ADOPTED**

197 **Ayes 4 Welden, Lasher, Jodway, Cook**

198 **Nays 0**

199
200 **Resolved that the following appointments for the year 2008 for the Town of Danube:**

201 **Mary Lou Herringshaw – Registrar of Vital Statistics & RMO**

202 **Linda Welden – Town Historian**

203 **Kathleen Hysack – Dog Control Officer**

204 **Greg Lynch – Codes Enforcement Official**

205
206 **RESOLUTION #17**

207 **AGENDA**

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

210 **ADOPTED**

262 **A regular meeting of the Town Board of the Town of Danube, County of**
263 **Herkimer and the State of New York was held at the Town Hall, 438 Creek Road,**

264 Little Falls, NY on 9th day of January 2008.

265
266 **PRESENT:** Charles Welden ---- Supervisor
267 Lee Ann Stock ---- Councilwoman
268 James Lasher ---- Councilman
269 Patricia Jodway ---- Councilwoman
270 Alicia Cook ---- Councilwoman
271 Mary Herringshaw ---- Clerk
272 Leonard Pross ---- Superintendent of Highways

273
274 Supervisor Welden called the meeting to order at 7:04 P.M. with the Pledge of
275 Allegiance.

276
277 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**

278
279 At 7:04 p.m. Supervisor Welden opened the floor to public comment.

280
281 Resident Michael Weiner was the first to speak informing the board that sec 270 –
282 111 of the local law states that the planning board must consist of 5 members and if
283 a member misses more than 3 meetings they will not be a member anymore. Weiner
284 then reminded the board that he wrote 4 letters to the board in 3 years about the
285 culvert on his property and wanted to know if they had an answer yet. Weiner
286 stated that one board member and the highway superintendent are playing games
287 with the troopers, referencing the backhoe up on the hill and he is tired of it.
288 Welden asked Code Officer Lynch to look into local law to see if there is any
289 wording that a trailer can not be dropped in our town with out a permit. Lynch
290 said he would look into the law and would also go up on Sunday and look at the
291 trailer that Weiner was talking about.

292
293 Resident Frank Brown next thanked the highway crew and Pross for picking up the
294 garbage that was left on the road side last month. Brown also complimented them
295 on clearing the roads so well when it snows, Brown explained that he goes to work at
296 5:30 a.m. and the roads are always cleared in this town. Welden then told the board
297 that Brown had brought in a letter for a spaghetti dinner at the Newville Grange
298 that he would like posted on the web site and Welden wanted to know if anyone had
299 a problem with it being posted.

300
301 Next, Dave Beesmer introduced himself as the new owner of the Homestead Trailer
302 Park on Route 5S. Beesmer told the board that his future plans would include
303 opening up a dollar store in the commercial building site on the premises if he could
304 find someone to run it locally. Beesmer also stated that within the next year he
305 would possibly have 14 more trailers going in to fill the empty spaces.

306
307 7:28 Public Comment was closed.

308
309 **RESOLUTION # 22**

310 **PAY ABSTRACTS FOR MONTH**

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

313
314 **ADOPTED** Ayes 5
315 Nays 0

Welden, Stock, Lasher, Jodway, Cook

Be it hereby resolved that the town board members audit both the general and highway warrants and abstracts for the month and approve for payment #'s 0101 through 0116 (\$13656.69) for general warrants and #'s 0101 through 0105 (\$4528.59) for highway warrants.

REPORT OF TOWN OFFICIALS CODES REPORT

Greg Lynch asked the board if they had any questions about his report. Lynch then reported that the judge is taking care of the trailer that Harry Jouben had complained about.

RESOLUTION # 23 EXECUTIVE SESSION BEGINS

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

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

Resolved that the board would enter into executive session at 8:10 p.m. for a personnel issue. Pross was invited into executive session.

RESOLUTION # 24 EXECUTIVE SESSION ENDS

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

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

Resolved that the board would enter back into regular session at 8:21 p.m.

Welden explained that there was a personnel issue the board had to talk with Pross about and that Pross was going to take care of it.

HIGHWAY SUPERINTENDENT'S REPORT

Pross asked if there were any questions about the report he had submitted. Pross reported that the town received a check for \$24,019.11 from the chips program and stated that it should go up 6% next year and continue for the next 5 years. Lasher then asked Pross about D1. Lasher said he recalled Pross stating a few months ago that the truck was fine and wanted to know why 2 months later it is bad and needs to be replaced. Lasher said he is not questioning Pross but he is questioning the driver. Pross did state that it has over 10,000 hours on it which include a lot of hard hours. Lasher suggested looking into another way to put the seal in, stating that maybe there was something in the housing letting the oil go out. Pross reminded the board that he had been after them for 3 years to look at fixing the truck. Pross said 3 years ago the cost was \$7000 now it is up to \$11,500 to fix it. Pross said it would be between 11 and 12 thousand dollars to rebuild the motor. Lasher then said the price you gave us years ago just a price for an overhaul not a complete rebuild. The discussion then went on to what Pross wanted to do in terms of trucks. Pross said he would like to get rid of one of the big trucks and keep the parts from it for the other truck. Pross also said he would like to get a plow attachment on D7 for about \$1500. Pross explained that he wouldn't have to use the big truck as much if the weather didn't really warrant it, that was if he had a plow on D7.

REGULAR MEETING, TOWN OF DANUBE, MARCH 11, 2008

A regular 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 11th day of March 2008.

PRESENT: Charles Welden ---- Supervisor
Lee Ann Stock ---- Councilwoman
Patricia Jodway ---- Councilwoman
Alicia Cook ---- Councilwoman
Mary Herringshaw ---- Clerk
Leonard Pross ---- Superintendent of Highways

ABSENT: James Lasher ---- Councilman

Supervisor Welden called the meeting to order at 7:02 P.M. with the Pledge of Allegiance.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

At 7:03 p.m. Supervisor Welden opened the floor to public comment.

Resident Michael Weiner spoke up stating his mailbox was hit a couple weeks ago and it is only 6 inches from a tree. Weiner stated the trucks should not be coming that close to the trees and there was no reason that it should have been hit. Weiner said he replaced the mailbox and the town should replace the bars because there was no reason it should have been hit.

7:08 Public Comment was closed.

RESOLUTION # 43

ENTER INTO EXECUTIVE SESSION

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

**ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0**

Be it hereby resolved that the board enter into executive session to speak with attorney Mastromoro about the American Towers Litigation at 7:12 p.m.

RESOLUTION # 44

ENTER BACK INTO REGULAR SESSION

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

**ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0**

Be it hereby resolved that the town board entered back into regular session at 7:58 p.m.

RESOLUTION # 45

MSTROMORO LEGAL PROCEEDINGS VS AMERICAN TOWERS

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Be it hereby resolved that Norman L. Mastromoro, Esq. is authorized to pursue legal proceedings in the matter of American Tower Corporation v The Town of Danube, Herkimer County Supreme Court Action No. 86294, filed June 26, 2007, in the manner he deems appropriate to seek dismissal of the pending petition for a reduction of the real property assessment on tax parcel 123.3-1-18.3.

RESOLUTION # 46

PAY ABSTRACTS FOR MONTH

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Be it hereby resolved that the town board members audit both the general and highway warrants and abstracts for the month and approve for payment #'s 0301 through 0317 (\$5092.36) for general warrants and #'s 0301 through 0323 (\$17,924.65) for highway warrants.

REPORT OF TOWN OFFICIALS

CODES REPORT

Greg Lynch was present initially but had to leave but did leave a report for the board to go over.

Pross was out in the garage so the board skipped the highway report section temporarily.

RESOLUTION #47

APPROVAL OF AGENDA

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Resolved that the agenda for the meeting be approved.

RESOLUTION # 48

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Resolved that the minutes from February 13, 2008 be approved as submitted.

ASSESSOR REPORT

RESOLUTION # 49

WELDEN TO SIGN AGREEMENT WITH COUNTY

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Be it hereby resolved that Supervisor Welden sign agreement with the county for the next term.

TOWN JUSTICE

Welden asked if there were any questions about the report submitted.

DOG CONTROL OFFICER

Welden asked if there were any questions about the report submitted.

TOWN CLERK

Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw for the month of February 2008.

CEMETERY BOARD

Rick Mosher went over the report with the board including the minutes from the annual meeting. Mosher stated that he got the new deed for the Houpt Cemetery. Mosher reminded everyone that the date for the yearly cemetery clean up would be May 26th. Mosher told Herringshaw that he would put the notice in the paper.

PLANNING BOARD REPORT

Welden told the board that there was a Wind Energy Conference on Saturday April 5th at HCCC from 1 – 4 pm.

ASSESSOR REPORT

RESOLUTION # 50

WIND ENERGY ATTENDANCE APPROVAL

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Be it hereby resolved attendance approval for all planning board and town board members to attend the conference to be held at HCCC on Sat. April 5, 2008.

SUPERVISOR'S REPORT

RESOLUTION #51

SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Resolved to approve the February 2008 monthly report from Supervisor Welden.

OLD BUSINESS

17i. Welden reported that the town received the JCAP grant totaling \$29,914.47.

NEW BUSINESS

18b. The meeting date for with Roy Thomson and Judge Petrie about the room changes (from grant money) was set for Tuesday March 18th at 7 pm.

HIGHWAY REPORT

RESOLUTION # 52

PURCHASE SIGNS

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Resolved to approve Pross to purchase the town signs making sure to insert the year the town was established on the signs.

Pross asked if there were any questions on his report. Pross also reported that D3 is out of service and they haven't been successful in finding parts. Pross said they were going through 10-12 gallons of oil in D1 and it needs a motor job. Pross reported that he spent \$9224.74 for fuel in January and February, and there was only \$10,000 put in to the budget for fuel for 2008, because the other \$10,000 that Pross initially put in wasn't approved. Pross also stated that the frame on D3 is bad and asked the board how much money the town wanted to put into it. Pross said at the present time they can't even take the truck out of the town barn and he thinks it should be replaced, he said they men are to busy to keep fixing them after every use. Pross also asked how much money the town wants to put into a 33 year old truck. Pross stated with the current conditions of the trucks the town is down to 2 vehicles. Jodway asked Pross to get a comparison cost to get the truck fixed to like new condition vs. the cost of a new truck.

Herringshaw left at 9:05 pm with Supervisor Welden continuing on and taking notes.

Pross reported to the board that all three highway employees have refused to work on the trash days in the town. The board told Pross that it is up to Pross to tell them when they have to work and on what – not the other way around.

Jodway handed out a personnel policy for the board to look over and be ready to discuss at the next meeting.

On a motion made by Councilwoman Cook, seconded by Councilwoman Stock, the meeting was adjourned at 9:40 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

RESOLUTION # 25

PLOW FRAME

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

584 ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook
585 Nays 0

586
587 Resolved that Pross purchase a plow frame for the GMC for \$500 from the Village
588 of Herkimer.

589
590 Pross then stated that he would like to get a sander chain to use for both D1 and D3.
591 Pross said the price in December was \$590 and the price today was \$757.

592
593 Jodway then stated that she has a problem with the time clock procedure sheet that
594 Pross handed out. Jodway said her concern was the part about the men arriving 15
595 minutes early to work allowed them to leave 15 minutes early at the end of the day.
596 Jodway asked Pross to please rewrite it to state the days starts at 7 a.m. and that is
597 when the men should clock in regardless of when they arrive, unless called in early
598 by Pross. Jodway reminded everyone that the work day, according to Pross, started
599 at 7 a.m. and ended at 3:30 with a half hour lunch. There was then a heated
600 discussion including input from residents about the use of a time clock. Lasher
601 stated that everyone is making an issue out of nothing and stated that is should not
602 make a difference to any employee if they have to punch a time clock or not. Lasher
603 again stated that the time clock procedure was put into use for documentation
604 purposes only not because of a trust issue. Jodway also reminded everyone that the
605 way things happened years ago don't mean they will stay the same forever. Jodway
606 explained that the board is trying to bring things up to date in our town. Welden
607 did remind Pross that Welden had to keep the original time clock cards because
608 they are considered legal documents of the town.

609
610 **RESOLUTION # 26**

611 **APPROVAL OF AGENDA**

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

614 ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook
615 Nays 0

616
617 Resolved that the agenda for the meeting be approved.

618
619 **RESOLUTION # 27**

620 **APPROVAL OF MINUTES**

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

623 ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook
624 Nays 0

625
626 Resolved that the minutes from December 12, 2007 be approved as submitted.

627
628 **RESOLUTION # 28**

629 **APPROVAL OF MINUTES**

630 On a motion made by Supervisor Welden, seconded by Councilwoman Cook, the
631 following resolution was

632 ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook
633 Nays 0
634

635 Resolved that the minutes from December 28, 2007 be approved as submitted.

636
637 **ASSESSOR REPORT**

638 Supervisor Welden said he would like to set up a meeting with Mary Ann Barbuto
639 to let her know the town would like to have Assessor office hours held at the town
640 hall.

641
642 **TOWN JUSTICE**

643 Welden asked if there were any questions about the report submitted.

644
645 **DOG CONTROL OFFICER**

646 Welden asked if there were any questions about the report submitted.

647
648 **TOWN CLERK**

649 Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw
650 for the month of December 2007.

651
652 **CEMETERY BOARD**

653 Rick Mosher went over the report with the board. Mosher said the date for the
654 yearly cemetery board meeting would be March 5th at 7:00 p.m. Mosher said he
655 would forward a notice for Herringshaw to put in the paper.

656
657 **PLANNING BOARD REPORT**

658 Welden stated there was nothing to report.

659
660 **SUPERVISOR'S REPORT**

661 **RESOLUTION # 29**

662 **SUPERVISOR'S MONTHLY REPORT**

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

665 ADOPTED Ayes 5	Welden, Stock, Lasher, Jodway, Cook
666 Nays 0	

667
668 Resolved to approve the December 2007 monthly report from Supervisor Welden.

669
670 Eileen Warner then told Welden that if he was looking for a deputy Linda Welden
671 may be interested. Warner said L. Welden was retiring in 22 months and might be
672 willing to run for supervisor for the town if she had some idea of what she would
673 need to do. Warner said that was if C. Welden was not going to run again for
674 supervisor and run for clerk instead. Warner finished by stating that either way he
675 would need a deputy because the existing one could not do the job if something were
676 to happen to Welden.

677
678 **OLD BUSINESS**

679 17a. Welden told Lasher that he had a name of a potential surveyor and would get
680 that information to Lasher.

681
682 17g. Jodway told the board she a person of interest for the position of Town Health
683 Officer.

684
685 17h. Welden advised the board that Norman Mastromoro has agreed to continue do
686 work for the town as he has been doing.
687

RESOLUTION # 30

CALENDAR 2008

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

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

Resolved to adopt the 2008 Calendar that Welden presented to the departments.

17o. Herringshaw reported to the board that she had been in contact with the Utica Observer dispatch about posting notices in their paper, she gave Welden the fax that was sent to her for a credit application for the town.

NEW BUSINESS

19c. Herringshaw asked the board if anyone would have a problem switching the board meeting in March from Wednesday the 12th to Tuesday the 11th. The board agreed that switching it would be fine. Herringshaw to put a notice in the paper when the date gets closer.

RESOLUTION # 31

MILEAGE RATE

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

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

Resolved to adopt the state mileage rate for reimbursement to be that of the town's.

Welden gave Councilwoman Cook her key to the town hall meeting room before the meeting adjourned.

On a motion made by Supervisor Welden, seconded by Councilwoman Jodway, the meeting was adjourned at 10:18 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

REGULAR MEETING, TOWN OF DANUBE, FEBRUARY 13, 2008

A regular 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 13th day of February 2008.

PRESENT: Charles Welden ---- Supervisor
 Lee Ann Stock ---- Councilwoman
 Patricia Jodway ---- Councilwoman
 Alicia Cook ---- Councilwoman
 Mary Herringshaw ---- Clerk

ABSENT: James Lasher ---- Councilman
Leonard Pross ---- Superintendent of Highways

Supervisor Welden called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

At 701 p.m. Supervisor Welden opened the floor to public comment.

Resident Eileen Warner was the first to speak reminding everyone of two upcoming events. Warner said there would be a pancake breakfast to benefit the Indian Castle Church on Saturday the 16th from 7 a.m. until 1 p.m. in St. Johnsville at the H.C. Smith Benefit Club. Warner said there would be a second pancake breakfast on March 23 from 8 a.m. until 1 p.m. to benefit Joe Cook to be held at the Newville Grange. Welden responded that both events are posted on the town website.

Resident Frank Brown then asked for some clarification of the lines 201 – 207 from last months board minutes. Welden explained the situation with the deputy supervisor. Brown said he would be interested in the position and asked who he should talk to about applying. Welden explained that it is an appointed position by himself and did state that he would be interested in appointing someone who would be interested in taking over the roll and running for the position next term.

Lasher arrived at 7:10 p.m.

7:10 Public Comment was closed.

RESOLUTION # 32

PAY ABSTRACTS FOR MONTH

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

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

Be it hereby resolved that the town board members audit both the general and highway warrants and abstracts for the month and approve for payment #'s 0201 through 0216 (\$13,502.06) for general warrants and #'s 0201 through 0221 (\$12,500.78) for highway warrants.

REPORT OF TOWN OFFICIALS

CODES REPORT

Greg Lynch was not present but did provide a report for the board to go over.

HIGHWAY SUPERINTENDENT'S REPORT

Pross was not present but did provide a report for the board. Welden stated that he would like to commend and thank the highway crew for keeping the roads clear during the bad weather over the last few weeks. Welden said they have done a good job. Stock agreed and said it has been a lot of work.

RESOLUTION #33

APPROVAL OF AGENDA

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

796 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**
797 **Nays 0**

798
799 **Resolved that the agenda for the meeting be approved after adding BAR**
800 **appointment after # 10 and insurance loss protection to #17n.**

801
802 **RESOLUTION # 34**

803 **APPROVAL OF MINUTES**

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

806 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**
807 **Nays 0**

808
809 **Resolved that the minutes from January 2, 2008 be approved as submitted.**

810
811 **RESOLUTION # 35**

812 **APPROVAL OF MINUTES**

813 **On a motion made by Councilwoman Cook, seconded by Councilwoman Jodway,**
814 **the following resolution was**

815 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**
816 **Nays 0**

817
818 **Resolved that the minutes from January 9, 2008 be approved as submitted.**

819
820 **ASSESSOR REPORT**

821 **Supervisor Welden shared the email response from Mary Ann Barbuto (Herkimer**
822 **County Assessors Office) on his invitation to the meeting to discuss holding assessor**
823 **office hours in the town meeting room. Barbuto said she couldn't make it to this**
824 **meeting because the county meets on the same night. Welden is going to contact her**
825 **again and tell her in March we are meeting a night earlier.**

826
827 **RESOLUTION #36**

828 **BAR APPOINTMENT**

829 **On a motion made by Supervisor Welden, seconded by Councilman Lasher, the**
830 **following resolution was**

831 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**
832 **Nays 0**

833
834 **Resolved to appoint George Demeree to continue on as a member of the Board of**
835 **Assessment Review.**

836
837 **TOWN JUSTICE**

838 **Welden asked if there were any questions about the report submitted.**

839
840 **DOG CONTROL OFFICER**

841 **Welden asked if there were any questions about the report submitted.**

842
843 **TOWN CLERK**

844 **Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw**
845 **for the month of January 2008.**
846

CEMETERY BOARD

Rick Mosher went over the report with the board. Mosher reminded everyone that the date for the yearly cemetery board meeting would be March 5th at 7:00 p.m.

PLANNING BOARD REPORT

Welden went over the information he had received about the requirements of the board members.

RESOLUTION #37

PLANNING BOARD APPOINTMENT

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

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

Resolved to reappoint Kay Lipiec to her position as planning board member.

RESOLUTION #38

PLANNING BOARD APPOINTMENT

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

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

Resolved to appoint Joseph Alberico as a member of the planning board.

RESOLUTION #39

PLANNING BOARD APPOINTMENT

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

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

Resolved to appoint Alan Edmunds as a member of the planning board.

Lasher then pointed out how much time Welden had spent on this and the other things that he has to do for the town. Lasher explained that all of these things that Welden has to do on a regular basis take hours of his time and Lasher wanted everyone to realize that.

SUPERVISOR'S REPORT

RESOLUTION #40

SUPERVISOR'S MONTHLY REPORT

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

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

Resolved to approve the January 2008 monthly report from Supervisor Welden.

OLD BUSINESS

17a. Lasher reported that he had spoken with another fellow who was interested in the surveyor job but would like to meet with the board first. Lasher set up a

tentative meeting on February 18th at 10:30 a.m. as long as that time was good for Mr. Harvey. Welden then spoke about a Waiver, Renunciation and General Release form that the town would have to have signed by a property owner on Lover's Leap Road in order for the town to go onto private property and fix something. Lasher suggested waiting on this until the board sees how the surveyor makes out because there might not be anything the town has to do depending on the results of the survey. Jodway agreed and wanted to table the discussion until they met with the new surveyor.

17m. Lasher then said because of the previous discussions and problems with L.F. fuel before he reported that he was searching for a way to keep track of what fuel is being used. Northeast Petroleum Technologies came and checked and calibrated the fuel pump on the diesel tank and it is off by .8 gallons on 5 gallons pumped. Lasher said he is looking for a fuel dispenser and just trying to get around any problems like they had before.

17g.

**RESOLUTION # 41
HEALTH OFFICIAL**

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

**ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook
Nays 0**

Resolved to Kerri Congdon as the health officer for the town.

17k. Welden will send the draft of the Personnel Policy Development to Jodway who will work on it some more and then fire it off to the board to look at. Jodway also mentioned she would like to see the Code of Ethics revised or amended as it hasn't been done since 1970 when it was adopted.

17m. The board went over the new time clock procedures sheet that was in the board books.

17n. Welden mentioned that there were 2 recommendations from the Insurance Loss Prevention visit – they were the storage of flammable liquids and LENS (which would check the driving records of all employees both annually and upon hire).

NEW BUSINESS

19a. The meeting date for March was set for Tuesday March 11th at 7:00 p.m. Herringshaw said if she couldn't make it because of her travel schedule she would have Tammy take notes.

20. Conference Request

RESOLUTION # 42

TOWN CLERK CONFERENCE REQUEST

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

**ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook
Nays 0**

Resolved to approve attendance for Mary Lou Herringshaw at the NYS Town Clerk Association annual conference that will take in April (27th – 30th) in Saratoga, NY.

On a motion made by Councilwoman Stock, seconded by Councilman Lasher, the meeting was adjourned at 9:55 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

REGULAR MEETING, TOWN OF DANUBE, MARCH 11, 2008

A regular 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 11th day of March 2008.

PRESENT:	Charles Welden	----	Supervisor
	Lee Ann Stock	----	Councilwoman
	Patricia Jodway	----	Councilwoman
	Alicia Cook	----	Councilwoman
	Mary Herringshaw	----	Clerk
	Leonard Pross	----	Superintendent of Highways

ABSENT:	James Lasher	----	Councilman
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Supervisor Welden called the meeting to order at 7:02 P.M. with the Pledge of Allegiance.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

At 7:03 p.m. Supervisor Welden opened the floor to public comment.

Resident Michael Weiner spoke up stating his mailbox was hit a couple weeks ago and it is only 6 inches from a tree. Weiner stated the trucks should not be coming that close to the trees and there was no reason that it should have been hit. Weiner said he replaced the mailbox and the town should replace the bars because there was no reason it should have been hit.

7:08 Public Comment was closed.

RESOLUTION # 43

ENTER INTO EXECUTIVE SESSION

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

ADOPTED	Ayes 4	Welden, Stock, Jodway, Cook
	Nays 0	

Be it hereby resolved that the board enter into executive session to speak with attorney Mastromoro about the American Towers Litigation at 7:12 p.m.

RESOLUTION # 44

ENTER BACK INTO REGULAR SESSION

1006 On a motion made by Councilwoman Jodway, seconded by Councilwoman Stock,
1007 the following resolution was

1008
1009 **ADOPTED Ayes 4 Welden, Stock, Jodway, Cook**
1010 **Nays 0**
1011

1012 Be it hereby resolved that the town board entered back into regular session at 7:58
1013 p.m.
1014

1015 **RESOLUTION # 45**

1016 **MSTROMORO LEGAL PROCEEDINGS VS AMERICAN TOWERS**

1017 On a motion made by Councilwoman Jodway, seconded by Supervisor Welden, the
1018 following resolution was

1019
1020 **ADOPTED Ayes 4 Welden, Stock, Jodway, Cook**
1021 **Nays 0**
1022

1023 Be it hereby resolved that Norman L. Mastromoro, Esq. is authorized to pursue
1024 legal proceedings in the matter of American Tower Corporation v The Town of
1025 Danube, Herkimer County Supreme Court Action No. 86294, filed June 26, 2007, in
1026 the manner he deems appropriate to seek dismissal of the pending petition for a
1027 reduction of the real property assessment on tax parcel 123.3-1-18.3.
1028

1029 **RESOLUTION # 46**

1030 **PAY ABSTRACTS FOR MONTH**

1031 On a motion made by Councilwoman Cook, seconded by Councilwoman Stock, the
1032 following resolution was

1033
1034 **ADOPTED Ayes 4 Welden, Stock, Jodway, Cook**
1035 **Nays 0**
1036

1037 Be it hereby resolved that the town board members audit both the general and
1038 highway warrants and abstracts for the month and approve for payment #'s 0301
1039 through 0317 (\$5092.36) for general warrants and #'s 0301 through 0323
1040 (\$17,924.65) for highway warrants.
1041

1042 **REPORT OF TOWN OFFICIALS**

1043 **CODES REPORT**

1044 Greg Lynch was present initially but had to leave but did leave a report for the
1045 board to go over.
1046

1047 Pross was out in the garage so the board skipped the highway report section
1048 temporarily.
1049

1050 **RESOLUTION #47**

1051 **APPROVAL OF AGENDA**

1052 On a motion made by Supervisor Welden seconded by Councilwoman Jodway, the
1053 following resolution was

1054 **ADOPTED Ayes 4 Welden, Stock, Jodway, Cook**
1055 **Nays 0**
1056

1057 Resolved that the agenda for the meeting be approved.
1058

RESOLUTION # 48

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Resolved that the minutes from February 13, 2008 be approved as submitted.

ASSESSOR REPORT

RESOLUTION # 49

WELDEN TO SIGN AGREEMENT WITH COUNTY

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Be it hereby resolved that Supervisor Welden sign agreement with the county for the next term.

TOWN JUSTICE

Welden asked if there were any questions about the report submitted.

DOG CONTROL OFFICER

Welden asked if there were any questions about the report submitted.

TOWN CLERK

Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw for the month of February 2008.

CEMETERY BOARD

Rick Mosher went over the report with the board including the minutes from the annual meeting. Mosher stated that he got the new deed for the Houpt Cemetery. Mosher reminded everyone that the date for the yearly cemetery clean up would be May 26th. Mosher told Herringshaw that he would put the notice in the paper.

PLANNING BOARD REPORT

Welden told the board that there was a Wind Energy Conference on Saturday April 5th at HCCC from 1 – 4 pm.

ASSESSOR REPORT

RESOLUTION # 50

WIND ENERGY ATTENDANCE APPROVAL

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Be it hereby resolved attendance approval for all planning board and town board members to attend the conference to be held at HCCC on Sat. April 5, 2008.

SUPERVISOR'S REPORT

RESOLUTION #51

SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Resolved to approve the February 2008 monthly report from Supervisor Welden.

OLD BUSINESS

17i. Welden reported that the town received the JCAP grant totaling \$29,914.47.

NEW BUSINESS

18b. The meeting date for with Roy Thomson and Judge Petrie about the room changes (from grant money) was set for Tuesday March 18th at 7 pm.

HIGHWAY REPORT

RESOLUTION # 52

PURCHASE SIGNS

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

ADOPTED Ayes 4 Welden, Stock, Jodway, Cook
Nays 0

Resolved to approve Pross to purchase the town signs making sure to insert the year the town was established on the signs.

Pross asked if there were any questions on his report. Pross also reported that D3 is out of service and they haven't been successful in finding parts. Pross said they were going through 10-12 gallons of oil in D1 and it needs a motor job. Pross reported that he spent \$9224.74 for fuel in January and February, and there was only \$10,000 put in to the budget for fuel for 2008, because the other \$10,000 that Pross initially put in wasn't approved. Pross also stated that the frame on D3 is bad and asked the board how much money the town wanted to put into it. Pross said at the present time they can't even take the truck out of the town barn and he thinks it should be replaced, he said they men are to busy to keep fixing them after every use. Pross also asked how much money the town wants to put into a 33 year old truck. Pross stated with the current conditions of the trucks the town is down to 2 vehicles. Jodway asked Pross to get a comparison cost to get the truck fixed to like new condition vs. the cost of a new truck.

Herringshaw left at 9:05 pm with Supervisor Welden continuing on and taking notes.

Pross reported to the board that all three highway employees have refused to work on the trash days in the town. The board told Pross that it is up to Pross to tell them when they have to work and on what – not the other way around.

Jodway handed out a personnel policy for the board to look over and be ready to discuss at the next meeting.

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On a motion made by Councilwoman Cook, seconded by Councilwoman Stock, the meeting was adjourned at 9:40 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

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