

REGULAR MEETING, TOWN OF DANUBE, APRIL 9, 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 9th day of April 2008.

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

ABSENT: Lee Ann Stock ---- Councilwoman

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

Supervisor Welden Convened the B.A.R. Date Change Law Hearing at 7:02 pm. Welden read the legal notice that went in the paper and asked if anyone had any questions. The hearing ended at 7:11 pm and the regular monthly meeting started at that time.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

At 7:13 p.m. Supervisor Welden opened the floor to public comment.

Resident Michael Weiner spoke first wanting to know the status of the road survey on his road. Weiner stated it had been on the agenda for 2 and ½ years. Weiner also stated concern about reading the previous minutes about trash days wondering why the highway men didn't want to work them this year. Pross responded that he never told anyone that the men wouldn't work the trash days, Pross said he told the board that the men said they would like the board to ask them to work them. Welden said he Pross state that the men refused to work them. Pross said he didn't say that.

7:16 p.m. Councilwoman Stock arrived.

Jodway then stated that Pross had told her that the men refused to work trash days when she questioned him about it. Lasher then said he couldn't believe the men would refuse to work, reminding Pross that it is up to him to determine the work that the men do not the other way around. Lasher also stated that if the men refuse to work then as a board they will have to remember that when it comes time for raises. Lasher reminded everyone that trash days are for the town's people. Pross then stated that most towns don't have trash days on Saturday's also stating that most towns just have trash drop off. Jodway then interjected that trash days are to

benefit the town people and if we don't offer it on a Saturday that would be a problem for most of the town residents. Pross said there was no one in the town more in favor of trash days than him. Welden said it would be interesting to see how people would react if it wasn't held on a Saturday. Welden also reminded everyone that the safest way to proceed would be to have the highway mend working on the equipment. Jodway stated that management has the right to make the work force work where and when it is needed.

Next, there was a discussion about a letter that the town board received from a highway employee before the meeting started. After reading the letter Lasher stated that it was only signed by one employee so even though it states that it is from all 3 the board would have to assume it is only from the one who signed it. Lasher also reminded everyone that any of the employees can come to a board meeting and address issues and neither of the other 2 ever does.

Next resident Frank Brown spoke stating the Joe Cook benefit was successful and wanted to thank everyone.

Lasher then spoke referring back to the letter on the 5th line up from the bottom. Lasher said he was not happy with that statement at all. Lasher suggested having an executive session with the employee at the next meeting. Pross stating that he hadn't seen the letter wanted it known that he thinks the men have been doing a great job. Jodway stated that she found it hard to believe that the men were refusing to work when getting paid time and a half. Cook then reminded the board that Pross said he would take care of it and suggested they keep it scheduled as is on Friday and Saturday. Pross reassured everyone if the town was doing trash days then he would make sure it was covered. Pross said it may take a little longer than normal but it would be done. Jodway then told Pross that she is personally counting on Pross to take care of the situation. Pross said there won't be a problem. Welden told Pross to let the board know if there is one reminding Pross that he can't be the only one working on Saturday also that the workers had to be employed by the town. Lasher then stated referring back to the letter that he doesn't do anything rotten or behind anyone's back. Lasher also stated he doesn't like being accused of anything like this either. Lasher said he has always been right up front with everyone and his phone has always been wide open.

7:40 Public Comment was closed.

At this point the board agreed to hold off signing the bills until the end of the meeting.

RESOLUTION #53

APPROVAL OF AGENDA

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 that the agenda for the meeting be approved after moving audit the bills to the end of the agenda.

**REPORT OF TOWN OFFICIALS
CODES REPORT**

Greg Lynch wasn't present but did leave a report to go over. Pross did state that he will connect with Lynch to go up on the hill.

CEMETERY BOARD

Rick Mosher was not present but did leave a report for Pross to go over with the board. Pross first stated that the minutes from last month had the wrong date for clean up day. The date is April 26th not May 26th. Pross also stated that they needed a new grounds person. The board discussed the situation and Welden has posted an application on line and will print some off and leave them at the office.

RESOLUTION #54

APPROVAL TO SEND DEED TO ATTORNEY

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

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

Resolved to approve the new deed be sent to Norman to proceed with the plan for the Houpt Cemetery enlargement.

HIGHWAY REPORT 8:04 p.m.

Pross went over his report and stated that he attended a 'chips' meeting in Albany and reported that funding went up \$5600 from last year to \$29,697. Pross then told the board that the department was running low on culvert pipes. Pross suggested investing in some soon to get some on hand. Pross said he will have 2 or 3 driveways to do at least. Jodway then asked Pross which department paid the highway men when they worked on the cemetery sign posts because Pross had it listed on the report as work accomplished. Pross then asked the board if he needed a highway agreement written up if he needed to take money out of highway one instead of highway 4. Welden replied that there would have to be some kind of resolution to take money out of Highway 1.

RESOLUTION # 55

PURCHASE CULVERT PIPES

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

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

139 Resolved to approve Pross to purchase the culvert pipe not to exceed \$4216 which
140 includes 40 feet of 4 foot pipe and 380 feet in 19 pieces of 15x20 foot pipe to be
141 charged to highway 1. The pipe is not to be used in any other town but Danube.

142
143 Lasher said he would also get a price to Pross on pipe.

144
145 **RESOLUTION # 56**

146 **LOCAL LAW #1 OF 2008**

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

149 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**

150 **Nays 0**

151
152 Resolved to adopt Local Law # 1 of 2008.

153
154 8:33 pm the board went into the garage with Pross to look at equipment.

155
156 9:44 pm the board came back into the meeting room.

157
158 **RESOLUTION # 57**

159 **D-3 REPAIR**

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

162 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**

163 **Nays 0**

164
165 Resolved to have D-3 repaired at a cost not to exceed \$5242.95 plus the cost of
166 freight from Utica Mack to fix the front end on D-3. Any parts not used will be
167 returned to the dealer for credit. Cost to fix D-3 front end also includes parts
168 already purchased and paid for totaling \$682.65 (\$497.68 & \$184.97). Total cost to
169 fix D-3 front end will be \$5225.60.

170
171 **RESOLUTION # 57**

172 **RESERVE FUND**

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

175 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**

176 **Nays 0**

177
178 Resolved to begin adding money to the reserve fund to purchase a replacement
179 truck for D-3, the amount to be determined after budget sessions in the fall of 2008.

180
181 Welden then told the board that Pross will have to purchase a cabinet for flammable
182 liquids as a result of the recent inspection. Pross said he had a quote from Northern
183 Safety for \$569 plus shipping which is 1/3 less than anyone else. Lasher said he was
184 going to look to see if the town really needs to have one.

RESOLUTION # 58

APPROVAL OF MINUTES

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 that the minutes from March 11, 2008 be approved after Herringshaw changes the date for the cemetery clean up day to April 26.

ASSESSOR REPORT

Training session for members of B.A.R. is set for May 7th. The board wants to look into having another town change their B.A.R. date so it isn't Danube every year.

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 March 2008.

PLANNING BOARD REPORT

Welden, Edmunds and Lyons attended the conference at HCCC on April 5th.

SUPERVISOR'S REPORT

RESOLUTION #59

SUPERVISOR'S MONTHLY REPORT

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

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

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

OLD BUSINESS

17k. Welden reported that the board needed to set up time to go over the Personnel Policy and then document what they really have.

NEW BUSINESS

18a. **RESOLUTION # 60**

JUSTICE COURT TELECONFERENCE

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

233 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**
234 **Nays 0**
235

236 **Resolved to approve attendance for the Justice and Justice Clerk plus any board**
237 **members that want to attend the Court Finance Teleconference @ HCCC on Tues**
238 **April 22nd at 6:15 pm.**
239

240 **RESOLUTION # 61**

241 **PAY ABSTRACTS FOR MONTH**

242 **On a motion made by Councilwoman Stock, seconded by Councilman Lasher, the**
243 **following resolution was**
244

245 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**
246 **Nays 0**
247

248 **Be it hereby resolved that the town board members audit both the general and**
249 **highway warrants and abstracts for the month and approve for payment #s 0401**
250 **through 0419 (\$6730.14) for general warrants and #s 0401 through 0418**
251 **(\$11,632.93) for highway warrants.**
252

253 **On a motion made by Councilwoman Stock, seconded by Councilwoman Jodway,**
254 **the meeting was adjourned at 11:03 P.M. Carried unanimously.**
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257 **Mary Lou Herringshaw, Town Clerk**
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REGULAR MEETING, TOWN OF DANUBE, MAY 7, 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 7th day of May 2008.

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

ABSENT: Lee Ann Stock ---- Councilwoman

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

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

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

Resident Michael Weiner spoke first wanting to know the status of the road survey on his road. Weiner also wanted to know why the code officer hadn't been up on the hill like the town board had instructed him to do. Pross interjected at this point stating that he and Lynch did go up on the hill just a couple weeks ago. Weiner wanted to know what Lynch thought – Pross stated that he couldn't speak for Lynch because he wasn't there but Pross admitted there were several places in the town that were in worse shape than up on the hill. Weiner said he didn't care about the other places just about what was next to his house. Pross told the board that there was no one around up there for Lynch to speak to. Weiner finished by stating that there are a lot of people getting away with a lot of things in this town and nothing is getting done about it.

7:05 p.m. Councilwoman Stock arrived.

Resident Mike Slater, who lives on Dingman Hill, wanted to know if something could be done about dust control. Pross said he could write up a highway agreement and present it to the board for approval.

Councilwoman Jodway then asked if anyone at the meeting had any suggestions to keep the neighbors cat from coming on her property and urinating.

7:21 Public Comment was closed.

RESOLUTION # 62

323 **PAY ABSTRACTS FOR MONTH**

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

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

329
330 **Be it hereby resolved that the town board members audit both the general and**
331 **highway warrants and abstracts for the month and approve for payment #s 0501**
332 **through 0516 (\$3647.07) for general warrants and #s 0501 through 0520**
333 **(\$12,752.33) for highway warrants.**

334
335 **REPORT OF TOWN OFFICIALS**
336 **CODES REPORT**

337 **Greg Lynch wasn't present but did leave a report to go over. Jodway question why**
338 **there was no mention of the fact that he did go up on the hill during the month.**
339

340 **HIGHWAY REPORT 8:04 p.m.**

341 **Pross asked if there were any questions about his report. Lasher asked what the**
342 **problem was with the transmission on D1. Pross said it has an awful wobble on the**
343 **out put drive shaft. Pross then mentioned that they need new back tires on the back**
344 **hoe. Pross said the cheapest price he can find is \$500 each for full 12 ply tires.**
345 **Pross said good years are \$816 each. Lasher said he could see putting 12 ply's on**
346 **the front but questioned if they really needed to go on the back. Pross said he would**
347 **get an exact quote to the board. Jodway then asked about the concrete that is up in**
348 **the pit. Pross said he planned on using it on N. Gardinier Road and Schall's Hollow**
349 **Road. Jodway mentioned there were tires up in the pit also and wondered who was**
350 **dumping wood chips up there. Pross said he hadn't seen the tires and told Jodway**
351 **that Hanson was dumping the wood chips.**

352
353 **RESOLUTION # 63**

354 **PURCHASE NEW TIRES FOR D11**

355 **On a motion made by Supervisor Welden, seconded by Councilwoman Cook, the**
356 **following resolution was**

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

359
360 **Resolved to approve Pross to purchase 2 back tires for the backhoe. The total to be**
361 **spent will not exceed \$1124.00 (\$562 each). The tires should be 21 L 24's (12 ply).**
362 **Pross is getting the tires from Wing Foot/ Good Year.**

363
364 **The board then had a lengthy discussion on shared highway services with the**
365 **county. Welden suggested having Jay Ewanyk come to the next meeting to answer**
366 **the questions the board had. Lasher stated that he couldn't see where a shared**
367 **service agreement would benefit our town at all. Lasher said they could have Jay**
368 **come down but wanted to know how the shared agreement would benefit the**

taxpayers of the Town of Danube. Pross then reported that he attended a chips program early this morning and the money to the town is increasing by 23%. Jodway then asked Pross when the new signs were going up. Pross said he was waiting on a State DOT inspection. Welden then discussed the email exchange he had with Mark Nagle about the speed limit on River Road. Cook said she had several calls from concerned residents about the excessive speed and the safety of the children. The board then discussed the possibility of having a speed study evaluation done on River Road from the Montgomery County Line to Rt. 5S. The board decided to table the discussion until a later date.

RESOLUTION #64

APPROVAL OF AGENDA

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 that the agenda for the meeting be approved after adding pipe line meeting to new business.

RESOLUTION #65

EXECUTIVE SESSION

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

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

Resolved to enter into executive session at 9:00 p.m. to discuss a specific personnel issue with Pross.

RESOLUTION #66

END EXECUTIVE SESSION

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

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

Resolved to enter back into regular session at 9:25 p.m. with no decisions being made.

RESOLUTION # 67

APPROVAL OF MINUTES

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

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

415
416 **Resolved that the minutes from April 9, 2008 be approved as submitted.**
417

418 **ASSESSOR REPORT**

419 **Herringshaw reported that both George Demeree and David Ward were attending**
420 **the BAR class this evening at the Herkimer County Office Building.**
421

422 **TOWN JUSTICE**

423 **Welden asked if there were any questions about the report submitted.**
424

425 **DOG CONTROL OFFICER**

426 **Herringshaw reported to the board that she received a request from Attorney Nick**
427 **Macri on behalf of the Humane Society to sign the current contract, but the contact**
428 **was not enclosed with the letter. Herringshaw called Macri's office and mentioned**
429 **it to the secretary but hasn't heard anything back yet. Jodway then asked the board**
430 **the status of the rebate the town was supposed to get back from the Humane Society**
431 **for any dogs that get adopted or picked up by their owners. Welden said there**
432 **wasn't a refund as of date.**
433

434 **TOWN CLERK**

435 **Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw**
436 **for the month of April 2008.**
437

438 **CEMETERY BOARD**

439 **Rick Mosher stated that the clean up went good, he was very pleased with the good**
440 **turnout. Mosher mentioned that refreshments were supplied compliments of M &**
441 **T Bank and Stewart's Ice Cream Shop.**
442

443 **RESOLUTION # 68**

444 **CEMETERY GROUNDSKEEPER APPOINTMENT**

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

447 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**
448 **Nays 0**
449

450 **Resolved to appoint Art Kineke as the cemetery groundskeeper.**
451

452 **SUPERVISOR'S REPORT**

453 **RESOLUTION #69**

454 **SUPERVISOR'S MONTHLY REPORT**

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

457 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**
458 **Nays 0**
459

460 **Resolved to approve the April 2008 monthly report from Supervisor Welden.**

OLD BUSINESS

17h. Herringshaw to send a letter to Kerri Congdon letting her know she was officially appointed as Health Officer for the town.

NEW BUSINESS

18c. Welden told everyone that there would be a pipe line meeting on May 15th at 5:30 p.m. at the Ramada Inn in New Hartford for anyone who wanted to go. Both Jodway and Cook said they would attend with Welden.

Jodway then asked if the town had and official seal or logo to put behind the judges table for court. Welden suggested a contest of some sort to come up with a logo. Pross said the Nowadaga Grange has one that the board could take a look at.

Jodway reported that the court conference that Petrie, Welden and she attended in Johnstown was very interesting.

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

Mary Lou Herringshaw, Town Clerk

SPECIAL MEETING, TOWN OF DANUBE, May 22, 2008

A special meeting of the Town Board of the Town of Danube, County of Herkimer and State of New York was held at the Town Hall, 438 Creek Road, Little Falls, NY on the 22nd day of May 2008.

PRESENT:	Charles M. Welden	----	Supervisor
	Alicia B. Cook	----	Councilwoman
	Lee Ann Stock	----	Councilwoman
	James L. Lasher	----	Councilman
	Patricia Jodway	----	Councilwoman

Supervisor Welden called the Special Meeting to order at 10:12 AM with the Pledge of Allegiance.

Motion to move to Executive Session for the discussion of a specific personnel matter and policy 10:15 AM by Councilwoman Jodway, Seconded by Councilman Lasher

Ayes 5 Welden, Stock, Lasher, Jodway, Cook

Nays 0

**Motion to return to Regular Session at 12:05 PM by Councilwoman Jodway,
Seconded by Councilman Lasher.**

Ayes 5 Welden, Stock, Lasher, Jodway, Cook

Nays 0

**No actions were taken during the Executive Session other than to schedule another
meeting to occur on May 29th at 10:00 AM.**

**ON ANOTHER MATTER BROUGHT TO THE ATTENTION OF THE TOWN
BOARD THAT MORNING BY HIGHWAY SUPERINTENDENT PROSS:
Considerable discussion occurred regarding the diagnosis and proposed repairs by
Winkler Repair in Dolgeville to Truck D-2.**

RESOLUTION # 70

RETURN OF TRUCK D-2 (the 10 Wheeler)

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

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

Nays 0

**Resolved that Truck designated D-2 be towed back to the town garage (from
Winkler Repair in Dolgeville) to be repaired in-house.**

**Motion to adjourn at 12:30 PM by Councilwoman Stock, Seconded by Supervisor
Welden.**

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

Nays 0

Mary Lou Herringshaw, Town Clerk

Based on notes provided by Supervisor Welden

SPECIAL MEETING, TOWN OF DANUBE, May 30, 2008 (Rescheduled from 5/29)

**A special meeting of the Town Board of the Town of Danube, County of Herkimer
and State of New York was held at the Town Hall, 438 Creek Road, Little Falls, NY
on the 30th day of May 2008.**

**PRESENT: Charles M. Welden ---- Supervisor
 Alicia B. Cook ---- Councilwoman
 James L. Lasher ---- Councilman
 Patricia Jodway ---- Councilwoman**

ABSENT: Lee Ann Stock ---- Councilwoman

Supervisor Welden called the Special Meeting to order at 10:18 AM with the Pledge of Allegiance.

Motion to move to Executive Session for the discussion of a specific personnel matter and policy 10:20 AM by Councilman Lasher, Seconded by Supervisor Welden

Ayes 4 Welden, Lasher, Jodway, Cook

Nays 0

Motion to return to Regular Session at 12:21 PM by Councilman Lasher, Seconded by Councilwoman Jodway.

Ayes 5 Welden, Lasher, Jodway, Cook

Nays 0

No actions were taken during the Executive Session.

UPON THE SPECIAL REQUEST OF COUNCILMAN LASHER REGARDING THE MATTER BROUGHT TO THE ATTENTION OF THE TOWN BOARD ON MAY 22nd BY HIGHWAY SUPERINTENDENT PROSS: Considerable additional discussion occurred regarding the diagnosis and proposed repairs by Winkler Repair in Dolgeville to Truck D-2 and the resolution from 5/22 to repair the truck in-house.

RESOLUTION # 71

THE REPAIR OF TRUCK D-2 (the 10 Wheeler)

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 Truck designated D-2 still be towed back to the town garage (from Winkler Repair in Dolgeville) to be repaired in-house. Also any additional cost, beyond that of the Winkler Repair estimate, will be borne by the Town of Danube general fund. Additional costs may be due to the Town of Danube not being able to get the same discounts on parts as Winkler Repair. Also, there will be no blame assigned to any employee with respect to a future failure of something repaired or related but not repaired in this project.

RESOLUTION # 72

THE PURCHASE OF INFORMATION, REPAIR, AND PARTS MANUALS

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

ADOPTED Ayes 4 Welden, Lasher, Jodway, Cook

Nays 0

598 **Resolved that INFORMATION, REPAIR, AND PARTS MANUALS to aid in the**
599 **maintenance and repair of town-owned equipment will be purchased from available**
600 **sources.**

601
602 **Motion to adjourn at 1:15 PM by Councilwoman Cook, Seconded by Supervisor**
603 **Welden.**

604
605
606 **Mary Lou Herringshaw, Town Clerk**
607 **Based on notes provided by Supervisor Welden**
608 **REGULAR MEETING, TOWN OF DANUBE, JUNE 11, 2008**

609
610 **A regular meeting of the Town Board of the Town of Danube, County of**
611 **Herkimer and the State of New York was held at the Town Hall, 438 Creek Road,**
612 **Little Falls, NY on 11th day of June 2008.**

613
614 **PRESENT: Charles Welden ---- Supervisor**
615 **James Lasher ---- Councilman**
616 **Lee Ann Stock ---- Councilwoman**
617 **Patricia Jodway ---- Councilwoman**
618 **Alicia Cook ---- Councilwoman**
619 **Mary Herringshaw ---- Clerk**
620 **Leonard Pross ---- Superintendent of Highways**

621
622 **ABSENT:**

623
624 **Supervisor Welden called the meeting to order at 7:00 P.M. with the Pledge of**
625 **Allegiance.**

626
627 **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**

628
629 **At 7:01 p.m. Supervisor Welden opened the floor to public comment.**

630
631 **Resident Michael Weiner spoke first asking the board to tell him the status of his**
632 **survey and wanted to know about the pipes on his property. Weiner said he had**
633 **been waiting for an answer for 7 months since he wrote a letter to the board and**
634 **wanted an answer this evening. Welden stated that the board hadn't heard**
635 **anything from the survey at this point. Lasher explained that the board is waiting**
636 **for the surveyors results so that the town doesn't make a wrong move. Lasher went**
637 **on to say that the town hired someone to do the survey but the town can not tell**
638 **them when to work, the surveyor will have the work completed on his time schedule**
639 **not the town's. Lasher did explain that the surveyor doesn't get paid until the job is**
640 **finished. Weiner thanked Lasher for the explanation and said that was all he**
641 **needed to know.**
642

643 Resident Allan S. Edmunds spoke next asking if the highway department was going
644 to do any work on the shoulders on Finks Basin Road, explaining that the shoulder
645 had collapsed. Pross responded that he put that work in the agreements last year
646 but it didn't get approved by the board. Pross said he could go down and put cold
647 patch on it but that is not a long term solution. Pross said he was not ignoring the
648 problem down there but explained that the highway department has a lot going on
649 right now. Pross stated that if he could get the work into an agreement and get it
650 signed/approved by the board then they would do their best to get it done.

651
652 Resident Lisha Brown spoke next thanking Pross and the men for the excellent
653 work on trash days.

654
655 7:24 Public Comment was closed.

656
657 **RESOLUTION # 73**

658 **PAY ABSTRACTS FOR MONTH**

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

661
662 **ADOPTED Ayes 5 Welden, Stock, Lasher, Jodway, Cook**
663 **Nays 0**

664
665 Be it hereby resolved that the town board members audit both the general and
666 highway warrants and abstracts for the month and approve for payment #'s 0601
667 through 0623 (\$6373.68) for general warrants and #'s 0601 through 0619
668 (\$15,250.30) for highway warrants.

669
670 **REPORT OF TOWN OFFICIALS**

671 **CODES REPORT**

672 Greg Lynch asked the board if there were any questions on his report. Jodway
673 asked Lynch if he could check and see if the town could legally clean some of the
674 places around town that have failed to keep their own properties clean and to check
675 and see if the town could then put the charges to clean said properties on to the tax
676 bill. Lynch said he would check into it and get back to the board. Jodway asked
677 Lynch to get all documentation in writing.

678
679 **HIGHWAY REPORT 8:21 p.m.**

680 Pross asked if there were any questions about his report. Lasher started by stating
681 that the quote that the board got for D2 (10 wheeler) for over \$6000 was a lie.
682 Lasher then asked Pross how he could trust a man that goes ahead and does
683 something like that referring that the man who gave the quote listed things on the
684 quote that he never even looked at and didn't need replacing. Lasher said he
685 personally could not trust the man to come and work on town equipment when he
686 flat out lied on the quote. Jodway agreed with Lasher. Lasher then asked why all 3
687 men were not working together. Pross said there was a lot going on right now and
688 he had the men split up. The board then asked Pross if it was true that some of the

men are refusing to work together. At this point there was a lengthy discussion at which Pross left the meeting at 8:44 p.m.

RESOLUTION #74

APPROVAL OF AGENDA

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 that the agenda for the meeting be approved after Herkimer County Humane Society under other below.

RESOLUTION # 75

APPROVAL OF MINUTES

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

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

Resolved that the minutes from May 7, 2008 be approved as submitted.

RESOLUTION # 76

APPROVAL OF MINUTES

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

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

Resolved that the minutes from May 22, 2008 be approved after changing the name of Edmunds to Cook in some of the resolutions that were copied and pasted.

RESOLUTION # 77

APPROVAL OF MINUTES

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 that the minutes from May 30, 2008 be approved as submitted.

ASSESSOR REPORT

Welden reported that the BAR staff got through the BAR date successfully. Welden also mentioned that the notice in the paper had Frankfort paying the county \$9 per parcel and our town is paying \$15 per parcel. Welden said when he called and

questioned the difference he was told it was based on the number of parcels in each community.

TOWN JUSTICE

Welden asked if there were any questions about the report submitted. Jodway mentioned that she would like to see a signature on the monthly report going forward.

DOG CONTROL OFFICER

Welden asked if there was anything the board wanted to discuss about the report submitted. Welden stated that he was still waiting to get the contract from the Humane Society for review so that the board could sign it. Welden also reported that he had a call into our county legislature Dennis Korce about the treatment both himself and Herringshaw received while trying to get a copy of the contract and to ask him for answers to the many questions the board had about the contract. Welden reported that Mrs. Korce returned his call but Dennis himself had yet to return the call.

TOWN CLERK

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

CEMETERY BOARD

The board looked over the report submitted by Mosher.

SUPERVISOR'S REPORT

RESOLUTION #78

SUPERVISOR'S MONTHLY REPORT

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 the May 2008 monthly report from Supervisor Welden.

OLD BUSINESS

17g. Herringshaw reported that she would be having Kerri Congdon sign the oath book within the coming week.

17i. Welden set up a meeting to meet with Roy Thompson on Thursday June 19th @ 7 p.m. to discuss the JCAP Grant progress. Welden asked Herringshaw to put a notice in the paper.

NEW BUSINESS

18b.

RESOLUTION # 79

RIVER ROAD SPEED RESTRICTION REQUEST

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

The Town Board of the Town of Danube hereby requests the Department of Transportation, pursuant to Section 1622.2 of the New York State Vehicle and Traffic Law, to establish an area speed restriction within the area the boundaries of which are described as follows:

Herkimer County Route 188 (CR 188 -- known as River Road) from its intersection with NYS Route 5-S to the Montgomery County Line.

It is understood that upon receipt of the Notice that the regulation herein requested has been established, The County of Herkimer, will provide, install, and maintain signs in accordance with the Vehicle and Traffic Law and conforming to the Manual of Uniform Traffic Control Devices of the Department of Transportation.

On a motion made by Councilwoman Cook, seconded by Councilwoman Jodway, the meeting was adjourned at 10:15 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

SPECIAL MEETING, TOWN OF DANUBE, June 19, 2008

A special meeting of the Town Board of the Town of Danube, County of Herkimer and State of New York was held at the Town Hall, 438 Creek Road, Little Falls, NY on the 19th day of June 2008.

PRESENT: Charles M. Welden ---- Supervisor
 Lee Ann Stock ---- Councilwoman
 James L. Lasher ---- Councilman
 Patricia Jodway ---- Councilwoman
 Alicia B. Cook ---- Councilwoman

ALSO PRESENT: Roy Thomson, Architect, d/b/a Bridge Street Architect,
St. Johnsville, NY

Supervisor Welden called the Special Meeting to order at 7:10 PM with the Pledge of Allegiance.

Architect Thomson went over the proposed alterations to the Courtroom/Meeting Room. One change in the planned alterations will be the addition of a window between the two on the north side of the building. This is necessitated by the need for additional light and ventilation from the outside. One of the existing windows will become another entrance/exit doorway. Following an extended discussion, it was decided that Thomson would email the bid specification forms to Supervisor Welden who will print the necessary copies for contractors who wish to bid on the construction work. Since Thomson's office is located in St. Johnsville, complete sets of the 5-page, 11"x17" drawings will be printed at the Margaret Reaney Memorial Library in St. Johnsville at the Library's going rate for copies. It was decided that the plans would be completed and the bid specifications ready to go within fourteen days. Following this portion of the meeting Architect Thomson left.

The next topic of discussion was the contract with the Herkimer County Humane Society. The contract was received by the Town on June 13th. According to Humane Society Secretary Ms. Jodi Flo, the contract was sent to the Town of Danube in January. Neither Town Clerk Herringshaw nor Supervisor Welden received the contract. HCHS Attorney Nicholas Macri sent a letter regarding the contract and the need to get it signed. In the letter he referenced the "enclosed copy of the contract." There was no copy enclosed with the letter. Ms. Flo explained that by saying that the contract had been sent in January, so there should be no need to send another one. Finally she agreed to send another contract to the Clerk and that was received on June 13th. After more discussion the resolution to have Supervisor Welden sign and send the contract was adopted.

RESOLUTION #

APPROVE AND SEND HCHS DOG CONTRACT

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

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

Resolved that Town Supervisor Welden sign and mail the 2008 Dog Contract with the Herkimer County Humane Society.

The remainder of the meeting, approximately 1.5 hours, was spent discussing the 2008 Highway Agreements submitted by Highway Superintendent Pross.

It was decided that there was not enough information provided for the Town Board to make an informed decision adopting the contracts. The following is a list of additional information/submission requested by the Board:

1. Actual correct mileages for each road to be repaired
2. Submit a completed "turn around" agreement for North Gardinier Road

870 3. Explanation as to why the culvert on The Lane Road is not being performed by
871 the Town employees. It was the understanding last year that the Town employees
872 could do the repair work.

873 4. Explanation of the “ditch work” to be done on all roads, with very specific plans
874 for the work to be done on north side of the middle part of Finck’s Basin Road.

875 5. Description of the funding for the projects. It does not appear that the figures
876 submitted with these proposals agree with the 2008 budget.

877 6. Description of how the employee vacations will impact the schedule for the
878 highway repairs.

879
880 Motion to adjourn at 9:52 PM by Councilwoman Cook, Seconded by Councilman
881 Lasher.

882
883
884 Mary Lou Herringshaw, Town Clerk

885 Based on notes provided by Supervisor Welden

886 REGULAR MEETING, TOWN OF DANUBE, JULY 9, 2008

887
888 A regular meeting of the Town Board of the Town of Danube, County of
889 Herkimer and the State of New York was held at the Town Hall, 438 Creek Road,
890 Little Falls, NY on 9th day of July 2008.

891
892 PRESENT: Charles Welden ---- Supervisor
893 James Lasher ---- Councilman
894 Lee Ann Stock ---- Councilwoman
895 Patricia Jodway ---- Councilwoman
896 Mary Herringshaw ---- Clerk

897
898 ABSENT: Alicia Cook ---- Councilwoman
899 Leonard Pross ---- Superintendent of Highways

900
901 Supervisor Welden called the meeting to order at 7:01 P.M. with the Pledge of
902 Allegiance.

903
904 PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

905
906 At 7:02 p.m. Supervisor Welden opened the floor to public comment.

907
908 Resident Michael Slater spoke first wondering what was going to be done with his
909 road.

910
911 Resident Mark Crews spoke next asking what he had to do to get his junk yard
912 license renewed. Crews said he was a scrap processor not a junk yard. Lasher said
913 he wasn’t sure Crews even needed a license and said it was something the board had
914 to address. Lasher said he would do what he had to to help anyone that has a
915 business in this town. Lasher felt that Crews gets enough from the state and DEC so

he shouldn't have to get one from the town. Welden asked Herringshaw if she could renew it. Herringshaw replied that was up to the board as it had already expired. Welden suggested that Herringshaw renew it now and then the board would check to see if he would need one next year. Stock said she thought the board should be consistent with everyone in the town. Lasher said that if someone doesn't renew their driver's license on time they get a 30 day grace period.

RESOLUTION #81

RENEW JUNK YARD LICENSE

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

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

Resolved that Mark Crews pay for his junk yard license tonight.

Crews then told the board that next year he will mail a check and they could mail him his license. Lasher told Crews to put a big black x on the date and then next year when Crews mails Lasher his birthday card he can put the check in there also.

7:18 Public Comment was closed.

At this time the board started going over the bills for the month. Lasher posed a question to the residents that were present. Lasher said the town had 3 bills from Werthman's with approximately 12 items on each page totaling \$55, \$17 and \$86 and the bills don't have any explanations of the sizes of the nozzles, pipe fittings, shut off valves or nothing. Welden interjected that they were hydraulic things. Lasher said he found it difficult to sign these bills especially with no one there from the highway department to answer any questions. Lasher also said there was a bill there for D10 and he has no idea what it was for. Lasher explained he had a hard time not knowing what something is for or when one of the men sign for something and not Pross. Lasher stated when he worked for the Thruway and they signed for something then they were responsible for that bill if it didn't get paid. Lasher said he knows the men are trying to help but they shouldn't be put in that situation. Lasher also stated that if the highway department didn't have enough work to keep 3 men busy as one is always running to get parts then the town has a problem.

RESOLUTION # 82

PAY ABSTRACTS FOR MONTH

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

ADOPTED Ayes 4 Welden, Stock, Lasher, Jodway
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 0701 through 0613 (\$4228.40) for general warrants and #'s 0701 through 0720 (\$10,681.96) for highway warrants.

REPORT OF TOWN OFFICIALS CODES REPORT

Greg Lynch wasn't present but did leave a report for the board to go over. Jodway asked the other board members if any of them knew if Lynch was anticipating someone on Cronkhite Road wanting a junk yard license. Welden said Lynch left a notice about pool alarms being installed after 2006. Lasher asked why Lynch wasn't there as he would like to know what the junk yard thing is about. Jodway said she would also. Welden said he would ask Lynch to be at the next meeting. Stock said she would like a definition of what is required for junk yards. Welden said he had that info.

HIGHWAY REPORT 8:04 p.m.

Pross wasn't present for the meeting but did leave a report for the board to go over. Welden pointed out that on the abstract for highway nothing came out of 1 or 1A this time. Welden was concerned if the highway department runs out of money in highway 4 and then there is bad weather in November and December. Lasher stated that they have some highway agreements but stated that he had questions on some of the things. Lasher said they couldn't sign them without getting answers otherwise it is like giving Pross a blank check. Lasher said he knows Pross won't come to anymore meetings because of Lasher but pointed out that Pross plays this same game every year. Welden then read the letter that he sent to Pross after the 19th meeting and then Pross's reply. Welden reminded the board that it doesn't pay for him to go over these things alone with Pross when the board won't accept them.

Lasher then told everyone about the conversation he has with Pross at last months meeting regarding the Winkler quote and lie. Lasher told everyone that the town saved over \$3700 doing the work ourselves. Lasher still questions why Pross came to the board and asked them to leave the truck there and have the work done. Lasher said it makes it tough when everyone isn't up front. Jodway then asked what the consensus was on the highway agreements. Lasher asked Stock how she made out with the road measurements. Stock said she didn't do it as she would like someone on the board to go with her to confirm her measurements. Lasher then said that these agreements are using old measurements. There was a long discussion about the loop on N. Gardiner Road. Welden said he would like another board member to go with him when he gives George a copy of the agreement. Lasher then said he thought the town was having the agreement so that the town didn't have to put any more money into private property. Welden then asked the board about the rest of the highway agreements asking if he should set something up with Pross. Lasher said he was reluctant because Pross never shows up. Stock then asked who wanted to go with her to measure the roads. Lasher suggested that Welden either mail or drop off a copy to George. Jodway again asked what they were doing with

the highway agreements. Lasher and Welden both said nothing until they got accurate road measurements because of the increased cost of oil they want to be sure the town isn't over spending.

RESOLUTION #83

APPROVAL OF AGENDA

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

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

Resolved that the agenda for the meeting be approved.

RESOLUTION # 84

APPROVAL OF MINUTES

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

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

Resolved that the minutes from June 11, 2008 be approved as submitted.

RESOLUTION # 85

APPROVAL OF MINUTES

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

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

Resolved that the minutes from June 19, 2008 be approved after adding the resolution # 80 into the appropriate space.

ASSESSOR REPORT

Welden reported and handed out the results of the changes after the BAR hearings.

TOWN JUSTICE

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

DOG CONTROL OFFICER

Welden asked if there was anything the board wanted to discuss about the report submitted.

TOWN CLERK

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

CEMETERY BOARD

The board looked over the report submitted by Mosher. The board agreed to let Art pick out a rear wheel drive, self propelled mower to suit his needs not to exceed \$300 complete.

SUPERVISOR'S REPORT

RESOLUTION #86

SUPERVISOR'S MONTHLY REPORT

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

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

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

OLD BUSINESS

17d. Herringshaw reported that she was served with papers from American Towers regarding their assessment.

NEW BUSINESS

18a.

RESOLUTION # 87

JCAP GRANT APPLICATION

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

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

Resolved to begin preparing the next part of the grant application.

18b. Welden told everyone there would be a DEC Open Burning Hearing at HCCC on August 4th from 4 – 8 pm.

18c. Welden reported that the state rate for mileage increased to \$0.585 and the town would follow suit as of July 1, 2008.

18d. Frank Brown asked the board if there was anything they could do to get a speed limit sign by his home from Fords Bush Road down to Newville and up to Johnnycake Road. Welden told Brown they could request a study done and suggested they get all of the neighbors to sign a petition.

On a motion made by Supervisor Welden, seconded by Councilman Lasher, the meeting was adjourned at 9:44 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk