

## **REGULAR MONTHLY MEETING, TOWN OF DANUBE, APRIL 8, 2009**

A regular monthly 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 8<sup>th</sup> day of April 2009.

Supervisor Welden called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the flag, following a moment of silence for Gerald Harrod.

<b>PRESENT:</b>	<b>Charles Welden</b>	<b>----</b>	<b>Supervisor</b>
	<b>James Lasher</b>	<b>----</b>	<b>Councilman</b>
	<b>Patricia Jodway</b>	<b>----</b>	<b>Councilwoman</b>
	<b>Kim Horender</b>	<b>----</b>	<b>Deputy Clerk</b>
	<b>Joe Alberico</b>	<b>----</b>	<b>Highway Superintendent</b>
<b>ABSENT:</b>	<b>Alicia Cook</b>	<b>----</b>	<b>Councilwoman</b>
	<b>Lee Ann Stock</b>	<b>----</b>	<b>Councilwoman</b>
	<b>Mary Herringshaw</b>	<b>----</b>	<b>Clerk</b>

### **PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**

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

The first one to speak was Jeremy Pellerin from West Fiery Hill Road. Pellerin told the board that he pays City of Little Falls School taxes but the school bus will not pick his daughter up at his house, leaving her the only option to walk a mile on Fiery Hill which is not safe. Pellerin said he checked with Owen D. Young School District and they will not take any children out of their district. Pellerin said 911 have the road listed as a seasonal road which it is not.

7:06 Councilwoman Stock Arrived.

Pellerin said his lawyer advised him to talk to the town board about opening the road. Lasher asked Pellerin if he got any of the statements/replies in writing refusing admittance and bussing. Pellerin said he did but there are no names on them. Lasher said the town had this issue in the past. Pellerin also said that his lawyer told him to petition the town to open the road. Welden said the situation is that where Pellerin lives on West Fiery Hill is hardly ever closed. Pellerin said the town plows the road whenever it snows and do a great job keeping it open. Stock said she had been in contact with the state education department about Pellerin's issue and reported that Little Falls is responsible to transport their child to school. Jodway suggested Pellerin get a signed letter from the school with both Mr. Petrie and Mr. McLaughlin's signature on it stating that they can not pick up their daughter.

Next resident Frank Brown asked if the town had equipment to remove sand from the roads as it a safety issue. The board said yes the town is equipped to remove the excess sand.

7:27 Public Comment was closed.

#### **RESOLUTION # 44**

#### **PAY ABSTRACTS FOR MONTH**

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

**ADOPTED Ayes 4  
Nays 0**

**Welden, Stock, Lasher, Jodway**

**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 0401 through 0419 (\$11,962.49) for general warrants and #'s 0401 through 0415 (\$14,929.08) for highway warrants.**

#### **REPORT OF TOWN OFFICIALS CODES REPORT**

**Greg Lynch was present and went over his report. Lynch told the board that he had been offered a job in Albany with Adj. International. Lynch said he would be more than happy to stay on with the town but will only be home on weekends. Lynch also told the board that he already spoke with Tom Romanowski who said it would be no problem. Jodway asked if anyone shows up for his office hours on Sundays. Lynch said yes sometimes there are residents. Lynch also said he could have Pat Kelly fill in if someone needed an appointment during the week. Lasher said they should try it and see how it goes. Lasher also reported that Filipski is cleaning up the blocks on the Tarbox property but is only moving them to adjoining Tarbox property still in the town. Lasher reminded Lynch that it was understood that the debris be removed from the town. Welden asked how Kelly would be compensated if he had to fill in. The labor rate of \$8.00 per hour was the answer. The board will have to look into issues with workers comp and civil service.**

#### **HIGHWAY SUPERINTENDENT'S REPORT**

**Alberico started out by going over his report. Alberico reported that the company that put the tires on offered to take the old ones for free. Lasher asked Alberico to look into and do a little research to see if there has to be a bid on it. Welden said the tire rate for trash days had to be increase. Jodway asked that the wording for clothes dropped off at trash days be changed to take clothes to a clothing center. Welden then mentioned that in the 4<sup>th</sup> paragraph they had to mention signing the log book each trip. Welden then talked about the bridges. Welden said the sign is confusing. Alberico said the weight limit has to be separate. Alberico asked for board approval to buy the signs.**

#### **RESOLUTION # 45**

#### **SIGN PURCHASE**

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

**ADOPTED Ayes 4  
Nays 0**

**Welden, Stock, Lasher, Jodway**

**Be it hereby resolved that the board approve the purchase of the signs that Alberico needs for the highway department.**

**RESOLUTION # 46  
HIGHWAY AGREEMENTS**

**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 board approve the agreements for N. Gardinier Road and for Schalls Hollow Road.**

**RESOLUTION # 47  
D16 RIM**

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

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

**Be it hereby resolved that the board approve the purchase of an additional rim for D16.**

**Alberico then said he was going to take a look at the Trojan and see what needs to be replaced and would call the board members instead of waiting until the next meeting for a decision. Mark Warner said they would need change for the residents that drop off tires at trash days. Lasher said put in the newspaper ad 'correct change'. Alberico asked if the town was doing a newsletter. Welden said the toner had been replaced so every department should come up with a short story for the newsletter.**

**RESOLUTION # 48  
APPROVAL OF AGENDA**

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

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

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

**RESOLUTION # 49  
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 March 11, 18 and 30, 2009 be approved as submitted.**

**ASSESSOR REPORT**

## **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 2009.

## **CEMETERY BOARD**

Rick Mosher was present and went over his report. Mosher said he would like board approval to move ahead with the deeds to Houpt Cemetery. Mosher also said he would like to pick a grounds keeper and use the other applicant as back up. Lasher suggested talking to them and seeing them. Mosher said he wanted to put an ad in the paper about spring clean up. Mosher asked Alberico about a time frame for the signs. Alberico said he would look at the schedule and try and fit it in when they are in the vicinity, sometime in May.

## **RESOLUTION # 50**

### **HOIPT CEMETERY DEED**

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

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

Resolved to approve moving forward with the deeds to the property owners for Houpt Cemetery Enlargement.

## **RESOLUTION # 51**

### **SPRING CLEAN UP AD**

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

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

Resolved to approve Mosher putting an ad in the newspaper to advertise the date of the cemetery spring clean up.

## **PLANNING BOARD REPORT**

Welden stated there was nothing to report.

## **SUPERVISOR'S REPORT**

### **RESOLUTION # 52**

### **SUPERVISOR'S MONTHLY REPORT**

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

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

Resolved to approve the March 2009 monthly report from Supervisor Welden.

## **OLD BUSINESS**

## **NEW BUSINESS**

**On a motion made by Councilwoman Stock, seconded by Supervisor Welden, the meeting was adjourned at 9:56 P.M. Carried unanimously.**

---

**Mary Lou Herringshaw, Town Clerk  
Based on Notes Taken By Deputy Clerk Horender**

## **SPECIAL MEETING, TOWN OF DANUBE, April 23, 2009**

**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 23rd day of April, 2009.**

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

**ABSENT:** Alicia B. Cook ---- Councilwoman  
Mary Herringshaw ---- Town Clerk

**ALSO PRESENT: Cemetery Groundsperson Candidate Michael Hysack**

**Supervisor Welden called the Special Meeting to order at 8:11 PM with the Pledge of Allegiance.**

**The first order of business in the special meeting was an interview with Cemetery Groundsperson Candidate Michael Hysack. After concluding the interview it was unanimously decided to hire him as cemetery groundskeeper for the 2009 year at the labor rate of \$8.00 per hour and to pay him mileage at the NYS / IRS reimbursement rate. At the time of hiring, the rate was \$0.55 per mile, subject to change if the NYS / IRS rate changes.**

### **RESOLUTION #55**

**HIRE MICHAEL HYSACK AS CEMETERY GROUNDSKEEPER FOR THE YEAR 2009.**

**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 town hire Michael Hysack as Cemetery Groundsperson for the year 2009 as outlined above.**

The Board then reviewed the new annual contract proposed by the Herkimer County Humane Society for the year 2009. It was decided that the main contract was acceptable, but that more information was needed regarding the proposed addendum to the contract. It was thought that the addendum ought to be shown to the Attorney for the Town, Norman Mastromoro, and the Town's County Legislator, Dennis Korce to get their thoughts and suggestions. The addendum alters the rules and payments for harboring dogs involved in court cases. It appears that the potential costs from this could be considerable and that the Town of Danube would have no control over the costs. The wording of the addendum follows:

**COURT CASES INVOLVING ANIMALS**

*When an animal is brought to the HCHS under a DL-18, which is mandatory and statutory procedure under New York State Agriculture and Markets Law, pursuant to an order of any Court and such animal is ordered to stay at the HCHS until any such Court case is disposed of, Paragraph 7 of the Seized Dog Sheltering Agreement will be amended as follows:*

*"Pursuant to Paragraph 7 of the Seized Dog Sheltering Agreement, the HCHS will bill the TOWN and the TOWN will pay for any and all medical or other expenses incurred by the HCHS while said dog was being housed at the HCHS pursuant to Court order. This will include veterinary expenses, rabies vaccination or any other expenses incurred by the HCHS. Said TOWN will be presented with a bill monthly for each dog that is housed at the HCHS pursuant to Court order. The TOWN agrees to pay HCHS, a fee of Forty Five Dollars (\$45.00) per dog on the first day of impoundment and Ten Dollars (\$10.00) per day thereafter until the time that the Court case is disposed of and the dog is either released, adopted or euthanized. Additionally, the HCHS reserves the right to move the dog to a sheltering facility of its choosing, at a cost to the TOWN so that the HCHS is not faced with an overcrowding situation."*

**RESOLUTION #56**

**APPROVE THE HCHS CONTRACT AS WRITTEN AND WITHHOLD APPROVAL OF THE ADDENDUM TO SAID CONTRACT.**

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

ADOPTED Ayes 4  
Nays 0

Welden, Stock, Lasher, Jodway

Resolved that the town approves the Herkimer County Humane Society Contract for the year 2009 but withholds approval of the addendum until such time as the Town's attorney and the Town's County Legislator, Dennis Korce can be consulted.

The Board also discussed the progress on the Courtroom / Meeting Room. It was decided that the floor of the platform would be carpeted with indoor/outdoor carpeting. It was also decided that chairs of various styles from various vendors would be examined and ordered as soon as the platform is finished. It was also decided that plywood should be used instead of sheetrock under the counter as it would be less vulnerable to damage.

**The board then discussed the personnel policy which had been reviewed by Herkimer County Personnel Director Steve Billings. The changes he suggested were incorporated into the policy and the decision was made to have Attorney for the Town, Norman Mastromoro, review the policy.**

**The meeting was adjourned at 11:08 PM.**

---

**Mary Lou Herringshaw, Town Clerk  
Based on notes provided by Supervisor Welden**