

REGULAR MONTHLY MEETING, TOWN OF DANUBE, MAY 13, 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 13th day of May 2009.

Supervisor Welden called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the flag.

PRESENT: Charles Welden ---- Supervisor
James Lasher ---- Councilman
Patricia Jodway ---- Councilwoman
Mary Herringshaw ---- Clerk
Joe Alberico ---- Highway Superintendent

ABSENT: Alicia Cook ---- Councilwoman
Lee Ann Stock ---- Councilwoman

Before public comment was opened, Welden announced that he had appointed and sworn in Jodway as Deputy Supervisor a few nights before the meeting.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

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

The first person to address the board was Dave Jones (he said he was speaking on behalf of Louella Johnson who owns property that borders the gravel bed on 5S). Jones said he was looking for permission to take his tractor or gator thru the town property approximately 10 to 20 times per year to shorten his trip up to the field above the town property. Jones figures it would save him 3 miles each way each time. Jodway asked if Jones would assume all responsibility and liability if anything were to happen. Jones said of course he would. Highway Superintendent Alberico asked the board if the town could get a draft form from the town attorney so that the town wouldn't be liable if anything was to happen. Lasher said they would have to check with the attorney first to see what his thoughts were since it was town property. Alberico told Jones he would get back to him with an answer after Welden emails the attorney to find out if it is possible. The board also stated that they would need a request from the property owner on record since Jones isn't the property owner.

7:06 Councilwoman Stock Arrived.

The second one to speak was Jeremy Pellerin from West Fiery Hill Road. Pellerin stated that he had spoken with officials at both Little Falls and Owen D Young school districts and that Little Falls Superintendant has released his daughter from the school district since they can not pick her up and get her to school, even though they are City of Little Falls tax payers. Pellerin said that ODY is willing to pick her up but will not all of the way up the road. Pellerin stated that ODY officials told him the road is unsuitable and unsafe. Pellerin said what he is looking for from the

town is that on the open part of the road up to his house to be in better condition so that ODY would come up to his house to pick his daughter up for school.

7:52 Public Comment was closed.

RESOLUTION # 57

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 0501 through 0525 (\$8279.09) for general warrants and #'s 0501 through 0518 (\$9420.76) for highway warrants.

REPORT OF TOWN OFFICIALS

CODES REPORT

Greg Lynch was not present but left a report for the board to go over. Lasher asked Welden if he could find out if all of the debris that was left on the Tarbox property was moved completely out of the town by Filipski including all blocks.

HIGHWAY SUPERINTENDENT'S REPORT

Alberico started out by going over his report. The board then discussed the increased price of the town trash days. After a long discussion Lasher suggested trying it in the fall for one day only to try and curtail some of the cost. Alberico asked about the town scraps and excess debris across the road. Alberico then asked the board if he could purchase a tool box and tools to go in it for the men to bring on the road with them when they are out working. Alberico said currently they need to drive back to the garage if they are in need of something.

RESOLUTION # 58

TOOLBOX/TOOL PURCHASE

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

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

Be it hereby resolved that the board approve the purchase of the a tool box and tools spending up to \$500 for the highway crew to take out on the road with them when they are working. There will be an inventory sheet along with a sign out sheet and all tools will have identification on them to show they are town property.

Alberico then mentioned that the town was in need of a knuckle for the back hoe. Alberico said he would like permission to purchase a WainRoy hitch, but would need a bucket as well. Alberico said the other option is to order it from 5 Star for about \$2000 and it will work on the town's back hoe as is. Lasher suggested

speaking with 5 Star and having it tried out by one of our workers to make sure it fits the needs of the town.

**RESOLUTION # 59
HYDRAULIC JOINT**

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 a hydraulic joint for the back hoe for ditching, not to exceed \$2000, only after speaking with 5 Star and having the men try it out to make sure it is what the town wants.

Alberico then mentioned that the town did receive its entire CHIP money along with the roll over – the total to the town would be \$59,400.

Alberico then told the board that he would be taking the highway department crew to the Herkimer County Highway Department class to get certified on brake inspections on May 27 for a ½ day. The class starts at 11:00 a.m.

Lasher then asked the status on the letter that the attorney was checking to send out to Wayne's Welding about the one way plow. Welden said Norman looked at it and said it was okay and only made one minor change. Welden asked for permission to mail it out.

**RESOLUTION # 60
WAYNE'S WELDING LETTER**

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 Supervisor Welden send the letter to Wayne's Welding, about the one way plow status.

Welden then discussed the letter from the county asking for town participation in gathering information for shared services in the county from the funds received from a grant the county received. Welden said he would like approval to reply that the town would participate in the sharing of information only. The board agreed to participate in the information gathering process but stated they would like more information about what information would be needed. They want Welden to ask Dennis Korce, advisory board member to come to the next board meeting to answer questions about the program. The board agreed they would change the date of the meeting to accommodate Korce's legislature meetings that fall on the same date as the town meeting.

**RESOLUTION # 61
HIGHWAY SUPERINTENDENT TRAINING**

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

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

Be it hereby resolved that the board approve Highway Superintendent Alberico to attend superintendent training in Cortland for 3 days. Board approves attendance for the entire program including staying on site and to cover all costs associated with attending.

RESOLUTION # 62

APPROVAL OF AGENDA

On a motion made by Councilman Lasher, 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 # 63

APPROVAL OF MINUTES

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 that the minutes from April 8th and 23rd, 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 April 2009. Herringshaw mentioned to the board that she would be attending the County Town Clerk Dinner on the 28th at PK's Pub in Herkimer.

CEMETERY BOARD

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

PLANNING BOARD REPORT

Welden stated there was nothing to report.

SUPERVISOR'S REPORT

RESOLUTION # 64

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 April 2009 monthly report from Supervisor Welden.

OLD BUSINESS

NEW BUSINESS

18a. The board discussed an upcoming newsletter and open house. All departments will start getting information to Welden for the newsletter. Jodway asked if items that the town will no longer use can be put on display to take bids on them.

On a motion made by Councilwoman Stock, seconded by Supervisor Welden, the meeting was adjourned at 10:00 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk

SPECIAL MEETING TOWN OF DANUBE MAY 26, 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 26th day of May 2009.

PRESENT: Charles M. Welden ---- Supervisor
 James L. Lasher ---- Councilman
 Patricia Jodway ---- Councilwoman
 Lee Ann Stock ---- Councilwoman
 Mary Herringshaw ---- Town Clerk

ABSENT: Alicia B. Cook ---- Councilwoman

ALSO PRESENT: Danube Highway Superintendent Joe Alberico
 Denis Korce Herkimer County Legislature

Supervisor Welden called the Special Meeting to order at 7:00 PM with the Pledge of Allegiance.

The first order of business in the special meeting was a discussion with Korce regarding the shared services survey. Korce explained to the board that it was only the preparing of a document with no commitment on the town's part at all. Korce said it was just a gathering of information from an outside contractor to come in a do an independent study. Korce also explained that every municipality will receive a draft copy and will be asked to validate the contents concerning their township.

Next there was a discussion between Korce and the board regarding a shared service agreement with the town. Korce explained that an agreement between the

town and the county was offered to the town to protect both municipalities' liability interests. Lasher said he wasn't against an agreement but would rather each situation come to the board from Alberico after he speaks with Jay Ewanyk about the needs. Korce explained to Alberico and the board that the town could make addendums and end it back to the county, Jay then would let the county know if he agrees or not with the changes. Alberico said he thought it was a great idea and would look the agreement over more closely and then bring it back to the board with suggestions. Korce said he would speak with Ewanyk and get Welden some specific scenarios where it helped other municipalities in the county. The board also suggested that a clause go in that states Alberico notify the board each time they would have to use said agreement with the county.

The board and Korce then discussed the Humane Society Addendum. Korce explained why the addendum was needed with a specific example of a situation where a judge ordered a dog to be sheltered and the Humane Society Board decided to come up with the addendum in case the same situation arose in another municipality.

RESOLUTION # 65
SIGN HUMANE SOCIETY ADDENDUM

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

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

Resolved to have Supervisor Welden sign the addendum on the Humane Society Agreement on behalf of the town.

At this point after no further question of Korce he left the meeting.

The board then discussed the easement of crossing town property. Lasher didn't feel anything should be done until the board found out who actually owned the property in question. Jodway agreed. Lasher then talked about the cost of this process to the town and the amount that this one instance had already cost the tax payers in attorney fees. It was agreed that something would have to be done incase something like this came up in the future.

RESOLUTION # 66
ATTORNEY CONSULTATION

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

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

Resolved that any projects that require consultation with the town's attorney, the fees associated with the project will be the responsibility of the inquirer.

At this point the board discussed the meeting room construction and what Roy said should still be done. They also discussed paying Pete Aloisio a portion of what is owed to him.

RESOLUTION # 67
PETE ALOSIO PAYMENT

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

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

Resolved to pay Pete Aloisio an additional \$4500 for work done in the court room/meeting room area. The balance will be paid upon completion of the project.

The board then discussed Filipski Cleanup and Lawn Mowing. It was agreed by the board to let Hysack do the mowing outside of the town building as long as the money used for payment and the time involved be kept separate from the cemetery fund.

RESOLUTION # 68
EXECUTIVE SESSION

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

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

Resolved to go into executive session at 9:39 p.m.

RESOLUTION # 69
EXECUTIVE SESSION

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

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

Resolved to enter back into regular session at 9:52 p.m. with no decisions being made.

RESOLUTION # 70
FILIPSKI CLEANUP

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

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

Resolved to write a letter to Code Officer Lynch stating that as a board they had decided to go with the details of the original agreement in regards to property clean up in the town from the dumping of debris by Filipski.

The meeting was adjourned at 9:54 PM on a motion made by Councilwoman Stock, seconded by Supervisor Welden

Mary Lou Herringshaw, Town Clerk