

REGULAR MEETING, TOWN OF DANUBE, JANUARY 13, 2010

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 13th day of January 2010.

Supervisor Welden called the meeting to order at 7:01 p.m. with the Pledge of Allegiance to the flag.

PRESENT:	Charles Welden	----	Supervisor
	James Lasher	----	Councilman
	Patricia Jodway	----	Councilwoman
	Lee Ann Stock	----	Councilwoman
	Alicia Stock	----	Councilwoman
	Mary Herringshaw	----	Clerk
	Corey LaPorta	----	Highway Superintendent

ABSENT:

Before the meeting started Welden welcomed Councilwoman Cook back after a long absence.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

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

Resident Mary Ann Aloisio was the first to speak asking if in the future the highway department could get a bigger mix of salt with the sand. Aloisio complained that their road was a mess and there is a lot of mud on the road.

Resident Howard Crews spoke next asking the board if the issue of cutting the highway superintendent's salary was going to be addressed. Crews told the board that he had contacted Albany and was told that the board couldn't cut the pay. Crews said his question for the board was how much the salary was going to be cut and why the salary was going to be cut. Crew then said he had heard there was a remark from a board member in a meeting to cut LaPorta back enough and he would step down and then the board could reappoint Alberico. Crews said it isn't right what the board was doing to LaPorta and said he was getting aggravated and would like some answers.

Resident Kim Horender spoke next. Horender said that she agreed with Crews and went on to say that the tax payers voted for LaPorta and she couldn't see any reasoning for the cut in his salary. Horender said the taxpayers voted for LaPorta knowing what the salary of the position was and felt confident that he could get the job done.

Resident Barb LeRoy spoke next agreeing as well. LeRoy said she didn't think it was right to cut a person's salary because of inexperience. LeRoy said she doesn't recall a time in the town where anyone was cut in salary because of not being experienced.

Resident Mike Weiner spoke next addressing a comment he heard Welden had made about Weiner's lack of grounds for a lawsuit, after Weiner left the meeting

54 last month. Weiner stated that his attorney has told him they are waiting on the
55 town to move forward with the lawsuit. Weiner then asked where Councilwoman
56 Stock lived. Stock replied she lived at 2175 River Road. Weiner then told Stock he
57 wasn't looking for her mailing address but wanted to know where she resides.
58 Stock said she lives at 2175 River Road. Weiner then asked why after 16 months of
59 absences was Councilwoman Cook still on the board. Weiner stated that according
60 to Section 36 of Town Law the board should have had her removed.

61
62 Resident Wayne Horender spoke next stating that in defense of Corey LaPorta, he
63 won the election on a majority vote with the understanding of what the salary was
64 for that position. Horender stated that he hoped that there wasn't a personal
65 vendetta to remove LaPorta from office. Horender then said in defense of Mrs.
66 Cook missing 16 months worth of meetings, that she was informed of what was
67 going on in the town and received all of the minutes from every meeting that took
68 place in the town during her absence.

69
70 Resident Blair Frasier spoke next stating that under the officers law a petition
71 should have been filed with the clerk or supervisor for a leave of absence and
72 Frasier wanted to know if one was filed by Cook.

73
74 Cook asked Welden if she could respond. Cook stated that at the time of her son's
75 sickness she had no idea that she would be gone that long and had asked Welden not
76 to pay her while she was gone. Welden told her that by law she had to get paid.
77 Cook said she did the best she could do while she was gone by keeping up with what
78 was going on in town through emails and phone calls.

79
80 Frasier said that the supervisor didn't do his job by asking you to fill out a leave of
81 absence form after the first 3-4 months and asking you to step down. Frasier
82 wanted to know why the legal procedure wasn't followed.

83
84 Code Official Greg Lynch then spoke addressing the crowd stating that it was his
85 understanding that to doc someone's pay there has to be a local law, which he didn't
86 believe there was one in the township to do so.

87
88 Resident Eileen Warner spoke next. Warner said she hoped the board was listening
89 to the people of the town and wouldn't cut LaPorta's pay. The Warner said that
90 Weiner is always complaining about his taxes and how much the town spends and
91 wanted to know how much the lawsuit of his was costing the town.

92
93 LeRoy spoke again stating that she didn't feel that Councilwoman Cook should be
94 berated for missing the meetings since everything that happens at the meetings is in
95 the minutes and are posted online.

96
97 Rick Mosher then spoke and said that he felt like he has been to as many meetings
98 as anyone else sitting there and wondered why now all of the concern about Cook
99 being absent. Mosher said he didn't recall it being brought up at any other meeting.
100 Councilman Lasher then addressed some comments that were made. First Lasher
101 asked Howard Crews what he found out from Albany about his green house permit.
102 Crews said that no permit was needed and no taxes have to be paid on it. Lasher
103 then asked Crews if anyone told him that Lasher harasses people into getting his
104 own way. Crews said yes someone did tell him that. Lasher asked who said it.
105 Crews said Councilwoman Stock said it. Lasher then stated that he stays on top of
106 things and I do a lot of talking and have done this type of job my whole life so I try

107 and use the information that I do have to share it with the others on the board that
108 don't have the same knowledge. Lasher said he never tells anyone on the board how
109 to vote. Stock then interjected saying that what she said was that you do pursue
110 things and it is a good thing that you do, because in several instances it has helped
111 out the town and she went on to say that Lasher does have a lot of knowledge.
112 Lasher then told all of the people present that they will always hear a lot of stories
113 and most of them are just hearsay. Lasher said he puts in a lot of time because he
114 cares about the town. Lasher then explained that what some of them may have
115 heard in a hearing was Lasher questioning Alberico if something ever happened
116 would Alberico step back in as highway superintendent. Lasher said he never said
117 if we cut the salary would you come in and Lasher said that who ever is telling
118 people that is a liar. Lasher then asked LaPorta a few questions including did
119 LaPorta plan on getting his CDL license (LaPorta said yes), how many hours did
120 LaPorta plan on being at the town garage on a daily basis (LaPorta said 3 hours in
121 the morning) and Lasher asked if LaPorta would be onsite on the jobs when the
122 roads need to be worked on in terms of oil and stoning (LaPorta said if he was not
123 needed he would not be on the jobs but would always be available). Lasher then
124 explained to everyone that the salary got as high as it was because of the time the
125 superintendent had to put in compared to the other men.

126
127 Welden spoke next explaining that he let the questions go on because he felt the
128 answers would be important in helping the board make their decisions. Welden
129 finished by stating that despite what people have heard there has been no decision
130 on cutting salary at this point.

131
132 Mr. LaPorta then said that he felt the board was starting out on the wrong foot;
133 because he had heard that the board was talking about cutting his son's salary even
134 before the election.

135
136 Corey LaPorta then said what they had heard was that before the election Lasher
137 said he wanted to cut the salary of the position if Alberico wasn't elected.

138
139 Resident Michael Herringshaw then asked what the job description was when
140 LaPorta ran for office. Herringshaw wondered if he needed a CDL license to run
141 for the office and if he had to be full time to run for the position.

142
143 Lasher said that because of past altercations the board wanted answers to those
144 questions to avoid the same problems in the future.

145
146 Resident Tony Crews spoke next asking the board if they were going to give
147 Alberico a \$300 raise if he was elected. Crews then asked highway employee Mark
148 Warner how many times he had to check the roads in stead of Alberico doing it, and
149 how many times he had to submit payroll instead of Alberico doing it and how many
150 times he had to do the road agreements and other paperwork instead of Alberico
151 doing it. Warner said he did all of those things a lot. Warner then stated that he
152 thought LaPorta would make a good superintendant and asked the board to give
153 him a chance. Welden stated that when Pross resigned they increased Warner's
154 salary for him to step up and do those things and things went very smooth because
155 he did do those things. Lasher then stated that Warner should be able to show
156 LaPorta and then Warner shouldn't have to do any of those things anymore.

157
158 MaryAnn Aloisio then stated that if she was a stranger to the meetings she would
159 take away from this dialog that Lasher is talking from past experiences and is

worried about the town being burnt again. Aloisio stated that as a tax payer in the town she is happy that Lasher is so thorough because he doesn't want to be burnt again either.

8:14 Public Comment was closed.

RESOLUTION # 15

EXECUTIVE SESSION BEGINS

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 board would enter into executive session at 8:39 p.m. for a personnel matter.

RESOLUTION # 16

EXECUTIVE SESSION ENDS

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 that the board would enter back into regular session at 8:57 p.m.

RESOLUTION # 17

HIGHWAY SUPERINTENDENT SALARY

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 that the salary for the highway superintendent for the year 2010 would be set at \$28,880.00.

RESOLUTION # 18

PAY ABSTRACTS FOR MONTH

On a motion made by Councilwoman Stock, seconded by Councilwoman Jodway, 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 0101 through 0113 (\$11,462.54) for general warrants and #'s 0101 through 0108 (\$9379.38) for highway warrants.

REPORT OF TOWN OFFICIALS

CODES REPORT

Greg Lynch asked the board if they had any questions about his report. Lynch did ask to be notified if there were any fires in the town. Lynch reported there were 9

building permits for the year. Lynch said he would be getting his state report in very soon, submitting it online.

HIGHWAY SUPERINTENDENT'S REPORT

LaPorta started out going over his report and asking if there were any questions. Jodway asked how they made out with the spring with Bernie's truck. LaPorta reported that it was all fixed. LaPorta asked for preapproval to order 2 loads of sand on an as needed basis.

RESOLUTION # 19

SALT PURCHASE

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 to pre approve the purchase of 3 additional loads of salt as needed.

RESOLUTION # 20

APPROVAL OF AGENDA

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 agenda for the meeting be approved.

RESOLUTION # 21

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 December 9, 2009, December 23, 2009 and December 30, 2009 be approved as submitted.

ASSESSOR REPORT

Supervisor Welden reminded the board that the new contract will come in Feb. Jodway stated that she would like to see the position come back to a town person.

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 December 2009.

CEMETERY BOARD

Mosher went over the report he submitted. Yearly board meeting is set for Tuesday February 9, 2010 at 7:00 p.m.

PLANNING BOARD REPORT

Welden reported that we are still in need of one more planning board member.

SUPERVISOR'S REPORT

RESOLUTION # 22

SUPERVISOR'S MONTHLY REPORT

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

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

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

OLD BUSINESS

17p. Health Insurance – Welden reported there was a meeting with the town's broker. The town was faced with a 32% increase so the agency presented another policy. The cost for the new policy will be slightly less than what the town is paying now. The percentage that the employees will have to pay in will increase from 5% up to 10%.

RESOLUTION # 23

HEALTH INSURANCE CARRIER

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

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

Resolved to approve contract with Healthy Blue for the year 2010.

NEW BUSINESS

RESOLUTION # 24

HCHS DOG SHELTERING AGREEMENT

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 sign the Herkimer County Humane Society Dog Agreement for the year 2010.

On a motion made by Councilwoman Jodway, seconded by Councilwoman Stock, the meeting was adjourned at 10:13 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk