

## **REGULAR MEETING, TOWN OF DANUBE, FEBRUARY 10, 2010**

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 10<sup>th</sup> day of February 2010.

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

<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>Lee Ann Stock</b>	<b>----</b>	<b>Councilwoman</b>
	<b>Alicia Cook</b>	<b>----</b>	<b>Councilwoman</b>
	<b>Mary Herringshaw</b>	<b>----</b>	<b>Clerk</b>
	<b>Corey LaPorta</b>	<b>----</b>	<b>Highway Superintendent</b>

**ABSENT:**

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

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

Resident Fran Alosio was the first to speak asking about # 18B on the agenda, the issue with the drainage problem on Finks Basin Road.

Councilman Lasher suggested the board go into executive session before continuing with public discussion.

### **RESOLUTION # 25**

#### **EXECUTIVE SESSION BEGINS**

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

<b>ADOPTED Ayes 5</b>	<b>Welden, Stock, Lasher, Jodway, Cook</b>
<b>Nays 0</b>	

Resolved that the board would enter into executive session at 7:03 p.m. for a personnel matter.

### **RESOLUTION # 26**

#### **EXECUTIVE SESSION ENDS**

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

<b>ADOPTED Ayes 5</b>	<b>Welden, Stock, Lasher, Jodway, Cook</b>
<b>Nays 0</b>	

Resolved that the board would enter back into regular session at 7:20 p.m.

Welden continued with public comment asking Alosio to finish with his question. Alosio handed out pictures to the board members of the recent flooding in Finks Basin. Alosio said that Welden, Mark Warner and LaPorta all came down to look at the situation and Warner was the first to respond saying that the town couldn't do anything because it is on private property, LaPorta agreed with Warner. Alosio then mentioned specific instances in which the town did go on private property over the years to fix things, stating that he would give the town written permission to come on his property and clean up the mess. Alosio did state that this kind of flooding doesn't happen every year but it does happen and it has to be fixed. Alosio recommended that a culvert be put in on the other side of the road by Dolbervolt's. Welden said if the ditch on the south side of Lovers Leap Road is fixed the problem would be solved. Lasher said it didn't have to be a ditch it could be a swale. Alosio asked if the town could take care of it. Welden said he thought the town could do it but if there was a problem once the ditch on the south side at the west end is fixed then it wouldn't be a town fix, it would ultimately be a property owner's problem. Alosio said that he would sign a release and would appreciate the men coming down and picking up all of the debris. Alosio said the men wouldn't need heavy equipment to remove the debris they could use a wheel barrel and some arm muscle. Alosio then reiterated that he would sign a release to get the town men up on his property to clean it up. Alosio then stated again that he was surprised that Mark Warner was the first to reply that it was private property when Warner has done things on private property in the past.

Resident Mary Ann Alosio then reminded the board that back in the 70's they had brought the same problem to the board and is hoping now something can be done to address the problem. Lasher responded that the town has been down this road before and it is time to do something about it. Lasher stated that the town started to fix the situation in the past but never finished it and Lasher recommended finishing it this year. Jodway asked what had to be done to fix it and said let's get it done. Lasher said the highway superintendent would have to come up with a highway agreement so that the work could be approved and done.

Resident Kathy Fuller spoke next. Fuller addressed the town board asking what guidelines they have in place for a person to run for office. Fuller wanted to know because in her opinion the town doesn't have a dog control officer and they sure as hell don't have a town clerk. Fuller said she lives on Johnny Cake Road and a code officer hasn't done anything up on that road in over 20 years. Fuller said that not one board member ever returns a phone call. Fuller also questioned how the highway superintendent could be paid so much when he isn't even qualified to do the job and doesn't even have a CDL license to drive a plow truck. Jodway did respond to Fuller saying she had never received a phone call from Fuller because she always returns every phone call she gets. Fuller stated she will be calling Jodway from now on then. Herringshaw then responded that she did take a phone call from Fuller at 6:50 a.m. to make an appointment for a dog license renewal and Fuller never showed up for the appointment and never gave the courtesy of a call saying she wasn't going to show up. Fuller said Herringshaw didn't deserve a courtesy call cancelling the appointment. Fuller complained that Herringshaw was rude on the phone when she originally called. Herringshaw did say she thought that getting a call at 6:50 a.m. was a little early and asked Fuller to find another official in another municipality that would be happy to take a call before 7:00 a.m. to renew

a dog license. Fuller said that we are the public officials and we work should work on her schedule.

Mary Ann Alosio then spoke up about the comment Fuller made about the highway superintendent. Alosio stated she was at the meeting in January and found it upsetting that Lasher took a lot of the heat about the position and salary discussion of the highway superintendent. Alosio stated that LaPorta answered questions from Lasher last month and stated that he would work 3 hours a day 7 days a week and is getting paid over \$28,000 for 21 hours a week, a part time job. Alosio went on to say that Warner stated he did a lot of Pross's work and Alberico's work and now is doing LaPorta's work so Alosio questions why LaPorta is getting paid the full amount. Welden stated that LaPorta is doing a large amount of the work himself. Jodway stated that Warner shouldn't be doing any of LaPorta's work at this point and she personally wants to see it stopped.

Fran Alosio then spoke again stating he didn't want to see things go backwards but the thing is if Warner has been doing a lot of the highway superintendent's duties over the past 7 years or so (as Warner himself has implied) then why does the town even have to have a highway superintendent. Alosio suggested paying Warner another dollar an hour more to continue what he has been doing and save the town a lot of money. Alosio stated that the position of highway superintendent is worth well over 30K a year if the person holding the position works full time for the town. Fran Alosio also agreed with his wife that Lasher took all of the heat last month and not one other board member stood up for him.

Fuller spoke again asking what was going to be done with the junk on her road that has been piling up for over 20 years. Fuller said Hudson has been dumping and bringing more and more in all of the time. Welden said that Lynch is working on it. Fuller suggested violating Hudson and make him pay more or make him put up a fence.

8:18 Public Comment was closed.

#### **RESOLUTION # 27**

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

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

**ADOPTED Ayes 5  
Nays 0**

**Welden, Stock, Lasher, Jodway, Cook**

Be it hereby resolved that the town board members audit both the general and highway warrants and abstracts for the month and approve for payment #'s 0201 through 0214 (\$3801.45) for general warrants and #'s 0201 through 0218 (\$12,294.39) for highway warrants.

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

Greg Lynch wasn't present to go over his report.

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

LaPorta started out going over his report and asking if there were any questions. LaPorta stated that it was getting harder and harder to get lug nuts for D1 and D3. Jodway asked LaPorta if he allowed town residents to come and get sand. LaPorta said he did allow that. Jodway then asked LaPorta if he would object to the town board giving out his cell number to residents that want to talk to him. LaPorta said they could give it out. Jodway then filled LaPorta in on the Finks Basin discussion that took place while LaPorta was out checking road conditions during the first hour of the meeting. Jodway then asked LaPorta if Mosher was still scheduled for eye surgery and how long he was going to be out. LaPorta said he would be going out on the 18<sup>th</sup> and should only be out for 3 days.

#### **RESOLUTION # 28**

##### **APPROVAL OF AGENDA**

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 agenda for the meeting be approved.

#### **RESOLUTION # 29**

##### **APPROVAL OF MINUTES**

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

ADOPTED Ayes 4      Stock, Lasher, Jodway, Cook  
Nays 0  
Abstain 1      Welden

Resolved that the minutes from January 13, 2010 be approved after Herringshaw changed Councilwoman Cook's last name from Stock to Cook.

#### **ASSESSOR REPORT**

##### **RESOLUTION # 30**

##### **HERKIMER COUNTY ASSESSOR CONTRACT**

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

Resolved to have Supervisor Welden sign the current contract, as it, with the county dated March 17, 2010.

#### **TOWN JUSTICE**

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

#### **DOG CONTROL OFFICER**

Welden said he would call Hysack and discuss Fuller's complaint.

#### **TOWN CLERK**

Supervisor Welden accepted the monthly report submitted from Clerk Herringshaw for the month of January 2010.

## **CEMETERY BOARD**

Mosher went over the yearly meeting notes and mentioned that the cemetery clean up date is scheduled for April 10<sup>th</sup> with the following Saturday April 17<sup>th</sup> as the rain date.

### **RESOLUTION # 31**

#### **4 CEMETERY TRUSTEES APPOINTED**

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

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

Resolved to appoint Kim Horender, Fina Kulla, Kira Mosher and Karl Beopple as the 4 additional trustees for the cemetery board.

## **PLANNING BOARD REPORT**

### **SUPERVISOR'S REPORT**

#### **RESOLUTION # 32**

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

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

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

Resolved to approve the January 2010 monthly report from Supervisor Welden.

## **OLD BUSINESS**

17k. Lasher reported that the men came on January 27<sup>th</sup>, and repaired the roof/gutters and said to call if there was another problem.

## **NEW BUSINESS**

Taken care of earlier in the meeting.

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

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Mary Lou Herringshaw, Town Clerk