

REGULAR MEETING, TOWN OF DANUBE, MARCH 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 10th day of February 2010.

Supervisor Welden called the meeting to order at 7:03 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 Cook	----	Councilwoman
	Mary Herringshaw	----	Clerk
	Corey LaPorta	----	Highway Superintendent

ABSENT:

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

At 7:04 p.m. Supervisor Welden opened the floor to public comment.

Resident Eileen Warner was the first to speak asking about the discussion on the water problem on Alosio's property. Warner said she felt the town was opening a can of worms if they go in and fix the property/water problem. Warner doesn't understand why the town is responsible for something that happens because the owner's decide to change something on their own property. Warner said that the same thing happened on Lovers Leap Road with Mike Weiner.

Mary Ann Alosio tried to explain the situation to Warner because she wasn't at the meeting last month.

Councilman Lasher then asked Warner why she was asking as she isn't a board member and didn't have any interest in the situation except for the fact that she has family on the highway department. Warner said she is concerned because every time there is a new superintendant they come and complain and want it fixed (except for when Alberico was in office). Lasher then explained that when Pross went in there and put the pipe in – the problem became the town's problem. Lasher said he felt that the Alosio's have a legitimate point. Lasher said he has a letter into the attorney to see what the town should do since Pross started to fix it and never finished it. Jodway then asked if she could have some clarification on local law #2 from 2005. Welden asked if the law she is talking about is from the site plan law which is set up for commercial property. Welden said if we are going to resolve the problem on Alosio's then we have to take care of the problem at Weiner's as well (since Weiner has a law suit against the town). Jodway asked why there was a law set up specifically for one group and the other group didn't have to adhere to it. Lasher said he was sure DEC would have to be involved to see what is in the pipes. Welden asked the board if he should call DEC. Lasher asked what could be done in

both places to straighten things out. Jodway asked if it is an easy solution to fix the problems.

Warner then said she personally feels that LaPorta is doing a very good job. Lasher said that Corey is doing exactly what is supposed to be done with the ford truck, checking the roads and opening up the roads if necessary. Lasher said that is why it was purchased and Lasher is happy to see LaPorta using it that way.

Mark Warner then spoke referring to the minutes from the last meeting. Warner first apologized to Alosio and LaPorta for being the first person to speak up when they arrived at Alosio's property to discuss the water problem. Then Warner addressed the part of the minutes that suggested him being paid an extra dollar an hour for doing the work of the superintendents. Warner said he did do a lot of both Pross's and Alberico's work for them and in the beginning he showed LaPorta what had to be done. Warner did state that LaPorta is doing the work himself now and doing a good job. Fran and Mary Ann Alosio then explained what they meant by their statements last month. Fran Alosio did say that with all of the time that LaPorta is putting in right now he is not being overpaid.

Jodway then mentioned that last Friday afternoon Welden and she went to a meeting about the Herkimer Home where Mark Butler was in attendance. Jodway did question Butler about the bike trail and told Butler that the town could not pick up the responsibility of the bike trail. Jodway asked Butler how anyone could consider throwing away history, Jodway stated that last year there were 29,000 visitors. Jodway also questioned who would take care of the security on the building if it did close.

Welden then stated that the he was just advised that the town was awarded a grant under the Justice Court Assistance Program. The grant is in the amount of \$3,102 and the grant was originally submitted for just about \$30,000. Welden then said there will be several things the town will have to decide upon like will they oil and stone the lot, where the rock and the flag poll will go. The idea is to get visitors to use the correct entrance. Welden said if they can get everything done he would like to invite James P. Murphy, District Coordinating Judge, back to the town hall to see all of the improvements.

Jodway then told Eileen Warner about the conversation that Welden and she had at the Herkimer Home meeting last week with Marty Smith about the election system.

8:31 Public Comment was closed.

RESOLUTION # 33

PAY ABSTRACTS FOR MONTH

On a motion made by Councilwoman Stock, seconded by Councilwoman Jodway, 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 0301

through 0315 (\$12,373.60) for general warrants and #'s 0301 through 0314 (\$10,441.66) for highway warrants.

REPORT OF TOWN OFFICIALS CODES REPORT

Greg Lynch wasn't present to go over his report. Cook questioned Lynch's unemployment status. Welden stated that Lynch is not unemployed by our town so the unemployment claim doesn't affect this town as far as the town is concerned. Welden stated that it shouldn't be an issue as he is starting a new job. Lasher said that looking over the report submitted maybe it should be suggested that he doesn't do codes in the town anymore. Lasher said that looking over the notes from the original interview, along with the job description that was handed out and knowing that Lynch did do the job requested of him in the past for the town, he is wondering why there is a question on the job description now. Lasher asked Welden to drop Lynch a note telling him he is required to be at next month's meeting to answer the many questions that the board has. Welden said he will drop him an email.

HIGHWAY SUPERINTENDENT'S REPORT

LaPorta started out stating that other than plowing and sanding they had been doing work on some of the equipment. LaPorta said they are currently working on the knuckle for the back hoe. Jodway asked if Mosher was back working since his eye surgery. LaPorta said he was back and everything was fine. Jodway then said that she had been questioned about the town clean up days. Welden then went over a letter about rubbish removal from FEHER.

RESOLUTION #34

APPROVAL OF AGENDA

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

**ADOPTED Ayes 5
Nays 0**

Welden, Stock, Lasher, Jodway, Cook

Resolved that the agenda for the meeting be approved.

RESOLUTION #35

APPROVAL OF MINUTES

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

**ADOPTED Ayes 5
Nays 0**

Welden, Stock, Lasher, Jodway, Cook

Resolved that the minutes from February 10, 2010 be approved as submitted.

ASSESSOR REPORT

Welden reported that the county will have to come up and update the computer program as it is over a year and a half old.

TOWN JUSTICE

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

DOG CONTROL OFFICER

Welden clarified the situation about the dead dog that had to be picked up on the thruway.

TOWN CLERK

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

CEMETERY BOARD

Welden stated that the advertisement for the new grounds person would be going in the paper 3 times.

PLANNING BOARD REPORT

Welden reminded everyone that they are still in need of one additional member.

SUPERVISOR'S REPORT

RESOLUTION #36

SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 5
Nays 0

Welden, Stock, Lasher, Jodway, Cook

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

OLD BUSINESS

Covered earlier in the meeting.

NEW BUSINESS

18a. Welden said the bridge replacement on Creek Road will not take place until 2012.

Resident Eileen Warner then warned the board about the HIPPA Laws involving employee confidentiality. Warner stated the board had to be careful of what they said and made public about any employee. Lasher told Warner that the board had already discussed the situation with Mosher and that it had nothing to do with her directly and to let the board handle the town business. At this point resident Diane Fisher stood up and cussed at Lasher and threw her water/coffee mug at him (shattering it on his brief case) before leaving the meeting.

On a motion made by Councilwoman Stock, seconded by Councilwoman Jodway, the meeting was adjourned at 10:06 P.M. Carried unanimously.

Mary Lou Herringshaw, Town Clerk