

1   **ORGANIZATIONAL MEETING, TOWN OF DANUBE, JANUARY 12, 2011**

2  
3   **An organizational meeting of the Town Board of the Town of Danube, County of**  
4   **Herkimer and the State of New York was held at the Town Hall, 438 Creek Road,**  
5   **Little Falls, NY on 12<sup>th</sup> day of January 2011.**  
6

7   **Supervisor Welden called the meeting to order at 7:00 p.m. with the Pledge of**  
8   **Allegiance to the flag.**  
9

10   **PRESENT:**   Charles Welden       ----   Supervisor  
11               James Lasher       ----   Councilman  
12               Lee Ann Stock       ----   Councilwoman  
13               Patricia Jodway       ----   Councilwoman  
14               Alicia Cook       ----   Councilwoman  
15               Mary Herringshaw   ----   Clerk  
16               Corey LaPorta       ----   Highway Superintendent  
17

18   **ABSENT:**  
19

20   **RESOLUTION #1**

21   **OFFICIAL DEPOSITORIES**

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

24   **ADOPTED   Ayes 5           Welden, Lasher, Stock, Jodway, Cook**  
25               **Nays 0**  
26

27   **Resolved that Bank of America of Little Falls, and M&T of Little Falls, Adirondack**  
28   **Trust of Little Falls and Citizens Bank of Herkimer and NBT be designated official**  
29   **depositories for the Town of Danube for the year 2011.**  
30

31   **RESOLUTION #2**

32   **OFFICIAL BONDS**

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

35   **ADOPTED   Ayes 5           Welden, Lasher, Stock, Jodway, Cook**  
36               **Nays 0**  
37

38   **Resolved that Town Officials be bonded as listed.**

39               Supervisor	<b>\$16,000.00</b>
40               Tax Collector	<b>\$49,000.00</b>
41               Town Clerk	<b>\$10,000.00</b>
42               Town Justice	<b>\$10,000.00</b>
43               Highway Superintendent	<b>\$10,000.00</b>
44               Justice Clerk	<b>\$10,000.00</b>

45

46   **RESOLUTION #3**

47   **OFFICIAL NEWSPAPER**

48   **On a motion made by Supervisor Welden, seconded by Councilwoman Cook, the**  
49   **Following resolution was**

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

52  
53 **Resolved that The Little Falls Times be the official newspaper for the year 2011.**  
54

55 **RESOLUTION #4**

56 **REGULAR MEETING**

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

59 **ADOPTED Ayes 5 Welden, Lasher, Stock, Jodway, Cook**  
60 **Nays 0**  
61

62 **Resolved that the second Wednesday of each month at 7:00 p.m. be designated as**  
63 **the regular meeting date for the Town of Danube Town Board for the year 2011.**  
64

65 **RESOLUTION #5**

66 **FIRE WARDENS**

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

69 **ADOPTED Ayes 5 Welden, Lasher, Stock, Jodway, Cook**  
70 **Nays 0**  
71

72 **Resolved that the following people be appointed as fire wardens for the Town of**  
73 **Danube for the year 2011: Anthony Crews, Richard Kapala, Daniel Downing,**  
74 **Charles Welden, Rick Mosher, Leonard Pross and John Delnero, Corey LaPorta.**  
75

76 **RESOLUTION #6**

77 **INVESTMENTS**

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

80 **ADOPTED Ayes 5 Welden, Lasher, Stock, Jodway, Cook**  
81 **Nays 0**  
82

83 **Resolved that the Supervisor be authorized to invest certain funds in interest**  
84 **bearing certificates of deposit, savings accounts or treasury bills until needed to pay**  
85 **town obligations for the year 2011. Also the Supervisor is authorized to pay utility**  
86 **bills, health insurance and postage upon receipt and show those in the monthly**  
87 **warrants or Supervisor's Report.**  
88

89 **RESOLUTION #7**

90 **SALARIES**

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

93 **ADOPTED Ayes 5 Welden, Lasher, Stock, Jodway, Cook**  
94 **Nays 0**  
95

96  
97 **Resolved that the following salaries be fixed for the year 2011 – One job description**  
98 **with six steps for full-time, permanent employees ranging in pay from \$10.20 per**  
99 **hour at step 1 to \$15.72 per hour at step 6. Step 3 will be \$11.86 per hour. Step 4**  
100 **will be \$12.19 per hour. Step 5 will be \$13.07 per hour. The board also noted that**  
101 **in order to be a full time highway employee for the township the individual must**  
102 **have a CDL License.**

Also resolved that the following salaries be fixed for the year 2011 - Overtime (only for full-time employees) at 1.5 times the hourly rate.

Also resolved that the dog control officer salary be fixed for the year 2011 - \$1500.00 per year to be paid on a Monthly basis. The Codes Enforcement Official to be \$3000.00 per year to be paid on a Monthly basis. The Labor Rate (General & Highway) \$8.00 per hour (with no overtime available). The RMO = \$600.00 and Reg. Vital Statistics = \$500.00 (part of the town clerk's salary). The Clerk to the Justice \$7,500.00 per year.

RESOLUTION #8

**ATTORNEY**

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

**ADOPTED**

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

Resolved that the position of "Attorney for the Town" continue.

RESOLUTION #9

**APPOINTMENTS**

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

**ADOPTED**

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

Resolved that the following appointments for the year 2011 for the Town of Danube:

Mary Lou Herringshaw – Registrar of Vital Statistics & RMO  
Linda Welden – Town Historian  
To Be Filled – Dog Control Officer  
Frank Ceneviva – Codes Enforcement Official  
Joyce Horender – Official Cleaner  
Kerri Congdon – Health Officer

The board then mentioned that there was still 1 vacancy for the planning board.

RESOLUTION #10

**RULES of PROCEDURE**

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

**ADOPTED**

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

Resolved to adopt the existing agenda for the year 2011 as presented.

RESOLUTION #11

**OFFICIAL FORMS**

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

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

Resolved to adopt the conference/training request form, the DCO report format, Codes, mileage report format for 2011. The mileage reimbursement rate was set at the NYS rate for 2011, as the state rate changes the towns will also. (Currently at 51 cents a mile)

**RESOLUTION #12**

**CALENDAR FOR PAYROLLS, MEETINGS, BILLS**

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

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

Resolved to adopt the proposed calendar for payrolls, meetings and bills for 2011.

On a motion made by Councilwoman Cook, seconded by Councilwoman Jodway, the meeting was adjourned at 7:30 p.m. Carried unanimously.

**REGULAR MEETING, TOWN OF DANUBE, JANUARY 12, 2011**

Supervisor Welden called the meeting to order at 7:30 p.m. following the organizational meeting with all of the board members still present.

**RESOLUTION # 14**

**APPROVAL OF AGENDA**

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 that the agenda for the meeting be approved.

**RESOLUTION # 15**

**APPROVAL OF MINUTES**

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 minutes from December 8, 2010 be approved as submitted after making note that resolution #116 was never approved.

**RESOLUTION # 16**

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes from December 15, 2010 be approved as submitted.

#### RESOLUTION # 17

#### APPROVAL OF MINUTES

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

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

Resolved that the minutes from December 27, 2010 be approved as submitted.

#### RESOLUTION # 18

#### APPROVAL OF MINUTES

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

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

Resolved that the minutes from December 30, 2010 be approved as submitted.

#### RESOLUTION # 19

#### APPROVAL OF MINUTES

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

ADOPTED Ayes 3 Welden, Lasher, Jodway  
Nays 0  
Abstain 2 Stock, Cook

Resolved that the minutes from December 31, 2010 be approved as submitted.

#### REPORT OF TOWN OFFICIALS

#### CODES REPORT

Code official Frank Ceneviva was not present.

#### ASSESSOR REPORT

Supervisor Welden reminded everyone that the Star and Enhanced Star forms have to be in by March 1<sup>st</sup>.

#### DOG CONTROL OFFICER

The board asked Herringshaw to send the paper a note advertising that the town is in need of a dog control official. Welden then went over the dog control report submitted. The board then went over the humane society agreement.

#### RESOLUTION # 20

#### APPROVAL HUMANE SOCIETY AGREEMENT

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

**ADOPTED Ayes 5  
Nays 0**

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

**Resolved that the board approve Supervisor Welden to sign the agreement with the Herkimer County Humane Society for 2011.**

**TOWN CLERK**

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

**CEMETERY BOARD**

**Mosher wasn't present to go over his report and Welden asked if there were any questions. Welden mentioned the yearly meeting was tentatively set for March 9<sup>th</sup> @ 6:00 pm. Welden stated he would not be here for it and hopes that the meeting would be over in an hour before the regular monthly meeting begins at 7 pm. Welden stated he hated putting a time limit on the meeting in case there are discussions but that date is the same as the regular board meeting.**

**PLANNING BOARD REPORT**

**TOWN JUSTICE**

**Welden asked if there were any questions on the report submitted.**

**HIGHWAY SUPERINTENDENT'S REPORT**

**LaPorta asked if there were any questions about his report. LaPorta said there was not much to report but mentioned to Welden that Jim Cole at the Associations of Towns is expecting a call from Welden about the parts that were missing from the town garage. LaPorta stated that he would have appreciated a call letting him know that someone from the board took the parts. Lasher said he would return the parts back to the town garage if LaPorta wants them back and didn't want Lasher to try and refurbish them or try to fix them in case the town would need them in the future. LaPorta said he wanted them back without Lasher doing anything to them. Lasher went on to explain that over the years he has come over and done a lot of things on his own to try and help out the town but since it is now not appreciated he would stop doing it. Lasher also explained that all he was trying to do was save the town money and since the parts were being discarded he asked the board for permission to take them and try to refurbish them. Lasher then asked LaPorta how the truck passed inspection if as LaPorta reported the truck had this problem for over a year. Lasher said he did stop and speak with Alberico about the truck and Alberico said that the truck was not damaged a year ago when he was in office. Lasher then asked LaPorta if something happened to the truck recently. Lasher said it would be hard to believe that the truck could have passed inspection if it was in as bad shape as he reported to the board. Lasher then reminded everyone that since the truck was purchased in 2004 the town has spent over 31 thousand dollars on the truck, and that is not counting what was covered under the warranty. Lasher said that when they were looking at the truck he noticed that the inside of the rim was gouged out and wondered what happened. Welden said the town is always replacing them. Lasher then asked LaPorta to confirm that all of the trucks have a disconnect on them. LaPorta said that only Mark's truck had one. Lasher then reminded him that all trucks need to have one as was previously approved in the minutes. Lasher said he wasn't trying to take anything away from LaPorta but**

trying to help the town. Jodway then asked LaPorta how the notice of violations was coming from PESH. LaPorta said they are fixing the violations but he can't find a part for the grinder and has to have the training completed. Lasher then stated that he likes what LaPorta is doing with the ford truck. Lasher noticed when he came through Finks Basin that LaPorta was doing with the truck what it was purchased for originally. Lasher then asked LaPorta if he wanted Lasher to try and fix the parts or not. Lasher said he has a tough time spending thousands on new parts when the old parts can be fixed. Lasher said he wanted to make sure if he returned the parts that LaPorta would have the men fix them to avoid having to buy new ones again in the future. Lasher reminded LaPorta that it was the board's job to save the tax payers money where they could. Lasher then asked LaPorta who inspected the truck. Welden said that Hubiak inspected the truck. Lasher then said that Mark told Joe that nothing was wrong with the truck so someone is lying and Lasher said they needed to get to the bottom of it. Lasher said if the truck was just passed during the inspection and it wasn't in good working condition then the inspector would be responsible for not reporting that it was bad. Lasher said this is very serious and it can only be one of two things. Either the inspector let it go when it was inspected or it wasn't really bad like it was reported to the board. The truck was inspected in September and LaPorta reported it went to pieces in October to the point where LaPorta said he didn't want the men driving it, making the board question what happened to the truck in the one month period. The board said the point is that the men told LaPorta that the truck was bad before LaPorta became Superintendent and the truck had been inspected twice and there is no way it could have passed inspection if the tire moved up and down like Warner said it did. Lasher said this has nothing to do with LaPorta but it is either the men or Joe Hubiak was lying. Lasher then asked the board and LaPorta what they wanted Lasher to do with the parts. Lasher reminded everyone that he had no other agenda other than helping out the town. Lasher said he was looking for direction.

Jodway said she wanted to make a motion to have Lasher move forward to see if the parts could be repaired, Welden seconded the motion.

LaPorta said he didn't want to get the parts fixed and just wanted them back in the garage. LaPorta said he didn't see the sense in getting them fixed. LaPorta said things would have been different if someone had asked him first. The board asked LaPorta what he planned on doing with the parts since he previously told the board the parts couldn't be fixed. LaPorta said he would not throw the parts away but he didn't know what he would do with them.

Jodway withdrew the motion.

Lasher again reminded everyone that it was the responsibility of the board to save the tax payers money and asked the rest of the board members how they felt about not having a say in what happens to the parts and if they should be replaced or not. Welden state that the parts should not be discarded. Welden suggested getting a list of all parts that were wrecked on the truck this way when the parts were returned there would be a list of everything. Lasher asked if the yearly inventory list included inventory in cold storage. LaPorta said at this point it was not included. The board requested a new inventory list including items in cold storage. Stock asked when the inventory lists were updated. Welden said yearly. Stock requested getting both general and highway inventory lists updated by the March monthly

meeting. Lasher then asked LaPorta if he had gotten the trucks weighed as the board had asked previously. LaPorta said he had not yet. The board instructed LaPorta to get that done.

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

##### **RESOLUTION # 21**

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

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

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

**Resolved to approve the December 2010 monthly report as submitted.**

The board then discussed the letter/memo from Raymond Smith regarding the old election machines. The county is telling the towns to scrap the machine or let the county know if they should pick them up and get rid of them. LaPorta is going to check and see if there might be room in cold storage to store it.

#### **OLD BUSINESS**

##### **15g.**

##### **RESOLUTION # 22**

##### **LITTLE FALLS FIRE CONTRACT**

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

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

**Resolved to sign the fire contract with the City of Little Falls for 2011, under duress caused by several issues not addressed including: the town wanted a fire contract not an emergency service contract, wanted it specifically spelled out that the code official would be contacted for any fire with in the town, the proposed new fire contract must be made by September 20<sup>th</sup>, and the town did not receive a breakdown of itemized locations of calls responded to in the town, that Little Falls does use St. Johnsville be used for mutual aid instead of other area Fire Departments as we have a contract with St. Johnsville.**

**The motion was tabled until they can meet with Mayor Peters and Chief Parese.**

**15k. Welden reminded LaPorta that the Highway Expenditure Policy states that no more than \$500 for a single expenditure and \$1000 total for the month can be spent without board approval.**

#### **NEW BUSINESS**

**Welden then went over the report from Historian Linda Welden for the last year.**

**At 9:49 p.m. Supervisor Welden opened the floor to public comment.**

**Marylyn Servidone spoke first about the drainage problem on their property.**

**Public Comment was closed at 10:16.**



**RESOLUTION # 23  
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 (\$9708.16) for general warrants and #'s 0101 through 0107 (\$5082.69)  
for highway warrants.**

**On a motion made by Councilwoman Stock, seconded by Councilwoman Jodway,  
the meeting was adjourned at 10:42 P.M. Carried unanimously.**

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**Mary Herringshaw, Town Clerk**