

Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held February 10, 2015 at the Mooers Office Complex commencing at 7:00 PM

Present: Jeff Menard, Supervisor
Gerald LaValley, Councilperson
Donald Perras, Councilperson
Mary Myatt, Councilperson
Steve Barcomb, Councilperson

Recording Secretary: Brandi B. Lloyd, Town Clerk

Others Present: Kaleigh LaBombard, Dog Control Officer
Jess Dixon, Code Enforcer

Absent: none

Meeting: Supervisor Jeff Menard called the Meeting to Order at 7:00PM, then he asked Mrs. Brandi Lloyd to lead them in the "Pledge of Allegiance," which she did.

Town Business 1: Supervisor Menard said the Town Board will go into executive session to discuss pending litigation pertaining to Mr. Randy Bedard. Councilperson Perras made a motion to go into executive session. The motion was seconded by Supervisor Menard. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Menard declared the motion carried and the Board exited to meet in executive session.

The Board reconvened at 7:18pm

Town Business 2: Supervisor Menard announced that before continuing with the regular meeting, he would like to address the controversy from the January 13, 2015 Board meeting in regards to the Code Enforcement Officer. Supervisor Menard read from the Town Law Manual quoting Article % Voting. Supervisor Menard explained that at the beginning of each year the Supervisor makes the appointments. He added that he did not make an appointment for the Code Enforcement Officer. He said there is nothing in the Town Law saying an appointment must be made. He said it is and appointment by the Supervisor that is then ratified by the Town Board. Supervisor Menard said Mr. Dixon mentioned having a contract at the last meeting. Supervisor Menard then read an e-mail received from Lori Mithen, Association of Towns Lawyer regarding Town Law 138. Supervisor Menard said the Board needed to re-vote on the appointment of a Code Enforcement Officer because currently the Town of Mooers does not have a Code Enforcement Officer. Therefore Councilperson Lavalley made a motion to appoint Mr. Jess Dixon to the position of Code Enforcement Officer. The motion was seconded by Councilperson Myatt. The result of a Roll Call was 3 AYES (Councilperson Lavalley, Councilperson Barcomb, and Councilperson Myatt) and 2 NOES (Supervisor Menard and Councilperson Perras) therefore Supervisor Menard declared the motion carried.

Minutes: All the Board Members were asked if they had read their copies of the January 13, 2015 Minutes. They all replied yes. Supervisor Jeff Menard then asked if there were any omissions or corrections, there were none. Councilperson Myatt then made a motion to accept the January 13, 2015 Minutes and Councilperson Barcomb seconded the Motion. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Jeff Menard declared Minutes accepted as written.

Highway: Highway Supervisor Eugene Boulerice handed in the January report for State Roads showing a total amount of \$32,071.14 spent in the month of January. He said, despite the 12% increase in the cost of salt, they are currently up only around \$1,400.00 from last year. Highway Supervisor Boulerice then said the meeting in Albany this year to advocate for CHIPS money is March 4th. Supervisor Menard said he had received a complaint today about the skid steer being used in Mooers Forks to clear the sidewalks last night. Supervisor Menard asked Highway Supervisor Eugene Boulerice if he had requested this. Highway Supervisor Eugene Boulerice said he did because there was nobody taking care of the sidewalks in Mooers Forks and that they have cleared the sidewalks there a few times. Supervisor Menard added that he was not aware that the skid steer was being used for that purpose. Supervisor Menard said the complaint mentioned that there was not enough snow to warrant driving the skid steer to Mooers Forks. Councilperson Perras added that he must not be good for the equipment to drive it to Mooers Forks. Highway Supervisor Boulerice answered that the skid steer is equipped with high range. He added that if the Town Board did not want the sidewalks cleared in Mooers Forks by the

Highway Department to let him know. Councilperson Perras questioned if that is the best way to clear the sidewalks in Mooers Forks. Highway Supervisor Boulerice explained that the trailer is dangerously slippery this time of year. He added that it takes almost 30 minutes to load the skid steer and only 10 - 15 minutes to just drive it to Mooers Forks. Councilperson Perras said it is only fair to remove snow in Mooers Forks if it is being removed from the sidewalks in Mooers. Supervisor Menard requested that Highway Supervisor Boulerice keep track of the cost to do the sidewalks. He added that this would help the Town to make a comparison if the job was to be contracted out next year. Highway Supervisor Boulerice added that it takes the Highway Department approximately 30 minutes to clear the sidewalks in Mooers Forks.

Library: Mrs. Jacqueline Madison thanked Supervisor Menard for the letter she had requested. She added that the letter had been submitted, but she had not received a status update regarding the grant application. Mrs. Madison said that public libraries are actually an Association Libraries and therefore it is not required that the library be bonded. Supervisor Menard asked Mrs. Madison if she had forwarded that information on the Town Lawyer. She replied that she had. Supervisor Menard said that Mr. Michael Bruno, Northeast Regional Council of Carpenters, had stopped by the Town offices to inquire about the work conducted for the new library. He added that Mr. Bruno was specifically requested information pertaining to proof that prevailing wages had been paid by the construction company doing the work on the new library to any of those employed at the site. Supervisor Menard said the Town had none of the information requested on file. He said Mrs. Rena Bosley contacted The New York State Department of Labor to obtain the prevailing wages that were to be paid for job. He added that the Town is now waiting for this information. Supervisor Menard said the construction company, if the prevailing wage was not paid, will have to pay back wages to those employees. Mrs. Madison said that at the end of 2013 the Town Board voted to allocate \$10,000.00 to the new library. She said those funds have never been dispensed. She added that maybe those funds could be used towards the balance due to S&B Construction Company. Supervisor Menard agreed that S&B Construction needs to be paid. He said he would look into it. Councilperson Lavalley said that he had set-up a meeting to meet with Mr. and Mrs. Vassar to discuss their interest in purchasing the building the library is currently using. He added that the meeting was cancelled, but that he was hoping to re-schedule it soon.

Dog Control: Mrs. Kaleigh Mills handed in the report for January 2015 showing calls made for the month and nine dogs currently in the shelter. She added that she had both the Municipal Shelter Inspection as well as the Dog Control Officer Inspection. She said both passed as "Satisfactory" and that a copy of the report is on file with the Town Clerk.

Beautification Committee: Supervisor Menard asked if anyone from the beautification committee would like to address the board. Mrs. Myrtle Hawksby said the Committee would like permission to purchase new lights and replacement bulbs as they are currently on sale. She added that the lights will cost approximately \$1160.00 plus \$100.00 for shipping & handling. She said the Committee will also need permission to purchase flowers. Therefore, Councilperson Barcomb made a motion to give permission to the Beautification Committee to purchase new lights, replacement bulbs, and flowers. The motion was seconded by Councilperson Myatt. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Jeff Menard declared the motion carried.

Youth Program: Supervisor Menard asked if anyone from the Youth Program would like to address the board. No person was present wishing to address the board at this time.

Town Historian: Supervisor Menard asked if anyone from the Town Historian would like to address the board. No person was present wishing to address the board at this time.

Fire Department: Mr. Dan Dumas, Fire Chief, handed in the January report. The January report contained the following: Station #1 had 13 calls, Station #2 had 0 calls, Town had 6 calls and Mutual Aid had 7 calls with a total of 13calls to date. -----Incident types were Trailer=1----Chimney= 1----Good Intent=1-----Other(Medical Assist)=3. Mutual aid to Altona=3-----Champlain=3-----Ellenburg Depot=2-----Beekmantown=1. Mutual Aid from Altona=3-----Champlain=2-----Ellenburg Depot=3-----Hemmingford=2-----West Chazy=1-----Lacolle=1. Vehicle 251(Pumper) used 5 times, vehicle 252(Brush Truck) used 1 time, vehicle 253(Squad) used 1 time, vehicle 254(Pumper) used 2 times, vehicle 257(Heavy Rescue) used 6 times, vehicle 258(Tanker) used 6 times, vehicle 259(Pumper) used 2 times, and vehicle 25-AIR(Air Truck) used 8 times. Mr. Dumas added that there were some truck repairs completed. Mr. Dumas said that there is apparently a issue with the plow used to clear snow as Station #2. Highway Supervisor Boulerice said it had been fixed. Mr. Dumas asked if the lease agreement for the building between the Town and The Fire Department had been completed. Supervisor Menard explained that the end of the year and January are very busy, but said Mrs. Rena Bosley should be able to start working on it soon.

EMS: Supervisor Menard asked if anyone from EMS would like to address the board. No person was present wishing to address the board at this time. A report was not submitted by EMS.

Court: The Justice Fund report for January showed total receipts of \$12,066.25 with \$7224.75 going to the State, \$492.50 to the County, and \$4349.00 to the Town of Mooers.

Code Enforcement Officer: Mr. Jess Dixon handed in the report for the month of January showing four Building Permits issued, one violation handled in court, three Certificates of Occupancy, two Certificates of Occupancy, and a total of 9 calls. Mr. Jess Dixon said he will be attending a Training Session March 2- 5th and that the Town of Altona will split the cost with the Town of Mooers. Mr. Dixon then discussed the big push with 911 and the request to rename a couple of roads within the Town. He proposed that the Town of Mooers be able to keep the road named "Missile Base Road" and that the Town of Champlain change the name of the road they currently refer to as "Missile Base Road." He suggested, in turn, that the Town of Mooers change the name of the road they currently refer to as "Rock Road." This would then allow the Town of Champlain to keep their road named "Rock Road" as is. Supervisor Menard said he would get in touch with Mr. Kelly Donoghue regarding this. Mr. Dixon then, in clarification of the meeting last month, said part of the reason Supervisor Menard didn't want to appoint him was due to costing the Town too much money in lawyer fees. Mr. Dixon asked what Supervisor Menard was referring to. Supervisor Menard explained he was referring to the costs for lawyer fees for cases going to court. Mr. Dixon asked if the Board would rather he not write tickets. Supervisor Menard answered, "Yes, when feasible." Mr. Dixon asked who decides when it is feasible. Supervisor Menard said he hopes that Mr. Dixon decides. Mr. Dixon agreed that he writes appearance tickets, the judge then determines and that, if a lawyer is required, it is due process. Mr. Dixon said he doesn't think this should have an impact on his job that a lawyer has to handle an issue in court. Supervisor Menard added that Mr. Dixon should first come to the Board before spending that much money. Mr. Dixon said the Board is aware of the money being spent for the lawyer in court. Supervisor Menard said he was not aware of the money being spent. Mr. Dixon said the Board gets the invoice from the lawyer each month, not him. Mr. Dixon said he does not believe it should be held against him when he has to write appearance tickets for certain issues. Supervisor Menard said as long as the appearance tickets are legitimate, it is fine. Mr. Dixon asked how he is to determine if an appearance ticket is legitimate or not. Supervisor Menard answered that he hopes Mr. Dixon will be able to determine that himself. He added that one of the reasons he did not reappoint Mr. Dixon was because he could not make that determination. Mr. Dixon disagreed and said he has written several appearance tickets, but that the first ticket Supervisor Menard complained about is that of his employer. Mr. Dixon said he believes it is a conflict of interest. Supervisor Menard disagreed and said his employer is a tax payer in the Town of Mooers just like everyone else and deserves to be watched over like everyone else. Mr. Dixon asked Supervisor Menard why he has only addressed the one ticket involving his employer when he has written others. Supervisor Menard said more money was more than likely spent on that one ticket, more than all of the others combined. Mr. Dixon asked, if an appearance ticket goes to court and requires a lawyer over a period of time, should he then drop the case. Supervisor Menard said Mr. Dixon should discuss it with the Town Board. Mr. Dixon said this is the very first time this has come up in the three years he has been employed by the Town. Supervisor Menard asked Mr. Dixon to use a little bit of common sense. Mr. Dixon asked if he should or should not issue appearance tickets. Supervisor Menard said Mr. Dixon should do what he needs to do. Mr. Dixon then mentioned an e-mail from the Association of Towns lawyer regarding the three ways a person can be removed from an appointment. Mr. Dixon asked why Supervisor Menard said the Town did not have a Code Enforcement Officer if he was not removed in one of the three ways mentioned in the e-mail. Supervisor Menard explained that the result of the vote last month was a tie, which was a failure therefore resulting in Mr. Dixon not being re-appointed as Code Enforcement Officer at the time. He asked Mr. Dixon if the Board appointed him. Mr. Dixon said he remains in the position until the Town Board decides not to appoint him. Supervisor Menard said he would like to move on. Mr. Dixon asked if the Fire Department was interested in putting up an ice rink for the children in Mooers. Supervisor Menard said Mr. Tyson Dumas, head of the Town of Mooers Youth Program, had approached him about it a few months ago. Mr. Dixon said the Town of Altona has a liner for sale if he is still interested.

Old Business: Supervisor Menard reminded the Board that they had previously discussed working with Ms. Liz Tedford to find out the sewer feasibility for the Town. Supervisor Menard said he would like to get the Board's OK to move forward on this. Councilperson Barcomb asked what the cost would be. Councilperson Perras said the only cost is that charged by Ms. Tedford which is eight hours at \$65 per hour. Supervisor Menard then said there would be grant money available based on bids if the Town decided to proceed with the findings of Ms. Tedford. Therefore Councilperson Barcomb made a motion to proceed with the feasibility Study for Potential Wastewater Service in the Town of Mooers. The motion was seconded by Councilperson Myatt. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Jeff Menard declared the motion carried.

New Business:

Town Business 3: Supervisor Menard said the Town of Mooers had received a check from the Clinton County Treasury office for \$7820.89 for Sales Tax Revenue.

Town Business 4: Supervisor Menard read a letter received from the Town of Champlain's Youth Program coordinator. He said they are looking into hosting street hockey at the Civic Center in Rouses Point and include any children interested to participate from Mooers. He said the cost, pending approval from the Rouses Point Civic Center to use their facility, would be \$300.00 to each Town. The money would go towards paying the coaches and purchasing tennis balls. He said the letter also covers increasing the pay to the bus driver of the swim program, Ms. Sue Smith. Supervisor Menard said she has been the driver for this program since 2005. He said the cost for increasing the bus driver's pay would be \$50.00 per Town. Therefore Supervisor Menard made a motion to pay \$300.00 for the Street Hockey Program if it is approved by the Village of Mooers as well as \$50.00 more to the bus driver for the Swim Program. The motion was seconded by Councilperson Myatt. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Jeff Menard declared the motion carried.

Town Business 5: Town of Mooers received necessary paperwork to extend their State Contract for Municipal Snow & Ice Agreement Extension for 2016 - 2017 season, and Total NYS Municipal Snow & Ice agreement will be \$293,338.08, including \$5,866.76 per line mile for 50 miles; therefore Councilperson Barcomb made a motion that the following be adopted:

BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS ACCEPT THE NYS MUNICIPAL SNOW & ICE AGREEMENT EXTENSION FOR THE 2016 - 2017 SEASON

Councilperson Lavalley seconded the motion and result of a Roll Call was 5 AYES (Supervisor Menard, Councilman Myatt, Councilman Barcomb, Councilman Lavalley, and Councilman Perras) and 0 NOES, therefore Supervisor Jeff Menard declared **Resolution #13-2015** adopted.

Court 2: Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and/or dockets to their respective town and/or village auditing boards. Books and records for the Mooers Town Court were examined, audited and initialed by the Town Board, therefore Supervisor Menard made a motion that the following resolution be adopted:

BE IT HEREBY RESOLVED THAT THE MOOERS TOWN BOARD HAS EXAMINED AND AUDITED THE MOOERS TOWN COURT RECORDS AND/OR DOCKETS FINDING THEM TO BE IN ORDER AND THESE RECORDS ARE HEREBY ACCEPTED BY THE MOOERS TOWN BOARD

The motion was seconded by Councilperson Barcomb. The result of a Roll Call was 5 AYES (Supervisor Menard, Councilman Myatt, Councilman Barcomb, Councilman Lavalley, and Councilman Perras) and 0 NOES, therefore Supervisor Cory Ross declared **Resolution #14-2015** adopted.

ALSO

As per Section 2019-a of the Uniform Justice Court requires that the Town and Village Justices annually provide the Court records and dockets to their respective town and village auditing boards. At the October 8, 2013 Town Board meeting, Town Board the Court Records and Dockets were audited; therefore Councilperson Barcomb made a motion that the following resolution be adopted:

BE IT HEREBY RESOLVED THAT, AS PER SECTION 2019-a OF THE UNIFORM JUSTICE COURT ACT, THE TOWN OF MOOERS JUSTICES SHALL ANNUALLY PROVIDE TO THE TOWN BOARD THEIR COURT RECORDS AND/OR DOCKETS FOR AN AUDIT WHEREBY RESULTS SHALL BE NOTED IN THE MINUTES OF SAID TOWN BOARD MINUTES

The motion was seconded by Councilman Perras. The result of a Roll Call was 5 AYES (Supervisor Menard, Councilman Myatt, Councilman Barcomb, Councilman Lavalley, and Councilman Perras) and 0 NOES, therefore Supervisor Menard declared **Resolution #15-2015** adopted.

Zoning Board 1: Due to the recent openings on the Zoning Board Committee, the Town of Mooers must appoint new members to the Zoning Board Committee. The Town of Mooers appoints Mr. Jessie Lavalley as a new member to the Zoning Board Committee in the place of Mr. Michael Willette who will become an alternate, serving on the committee for a five year term until 2020, therefore Supervisor Menard made a motion that the following resolution be adopted:

BE IT HEREBY RESOLVED THAT JESSIE LAVALLEY BE APPOINTED TO THE ZONING BOARD COMMITTEE UNTIL 2020

The motion was seconded by Councilman Myatt. The result of a Roll Call was 5 AYES (Supervisor Menard, Councilman Myatt, Councilman Barcomb, Councilman Lavalley, and Councilman Perras) and 0 NOES, therefore Supervisor Menard declared **Resolution #16-2015** adopted.

Zoning Board 2: Due to the recent openings on the Zoning Board Committee, the Town of Mooers must appoint new members to the Zoning Board Committee. The Town of Mooers appoints Mrs. Miranda Grabie to the Zoning Board Committee in the place of Mr. Harry Gonyo, serving on the committee for a five year term until 2020, therefore Supervisor Menard made a motion that the following resolution be adopted:

BE IT HEREBY RESOLVED THAT MIRANDA GRABIE BE APPOINTED TO THE ZONING BOARD COMMITTEE UNTIL 2020

The motion was seconded by Councilman Myatt. The result of a Roll Call was 3 AYES (Supervisor Menard, Councilman Myatt, Councilman Barcomb) 1 NOE (Councilman Lavalley), and 1 ABSTAIN (Councilman Perras) and 0 NOES, therefore Supervisor Menard declared **Resolution #17-2015** adopted. Councilperson Lavalley said he believes it is a conflict of interest since Mrs. Grabie is Councilperson Perras' daughter. Councilperson Lavalley added that it is a conflict because Councilperson Perras is on the Zoning Board Committee. Councilperson Perras abstained from voting for or against Mrs. Grabie.

Town Business 6: Supervisor Menard said he would like to open a Money Market to earn some interest on a portion of the Town's monies. He added that the funds can be accessed at any time and are not tied up in any way. Therefore Councilperson Barcomb made a motion giving Supervisor Menard permission to open a Money Market account for the Town of Mooers. The motion was seconded by Councilperson Myatt. The result of a Roll Call was 4 AYES and 1 NOE, therefore Supervisor Jeff Menard declared the motion carried. Councilperson Lavalley clarified that he elected to vote, "no" because he would like more information.

Town Business 7: Supervisor Menard read a letter received from Mrs. Rena Bosley explaining the question raised at the January Board Meeting regarding the moving of funds in the budget journal for sidewalks.

Town Business 8: Supervisor Menard discussed the wages of the part-time Highway Department employees. He said it was brought to his attention that some of the full-time Highway Department employees are upset that the part-time employees are receiving the same pay. Supervisor Menard said the Town does not currently have a procedure in place to address this issue. He said the Board needs to come up with a set pay scale for part-time Highway Department employees.

Zoning Board 3: Councilperson Perras asked if there should be a set time that the Zoning Board meets. Supervisor Menard said he would like the Zoning Board to have a scheduled meeting time. Councilperson Lavalley said the meetings are scheduled for the third Tuesday of the month when a meeting is required

Supervisor Menard asked if anyone would like to address the Town Board.

Public Comment 1: Mr. Miller asked if the cell towers are being installed on Missile Base Road. Mr. Dixon answered they have completed and paid for the building permit.

Zoning Board 4: Mr. Dixon asked who are the current members of the Zoning Board. Supervisor Menard said he wanted to check with Mrs. Hitchcock because he believes Mrs. Hitchcock would like to stay on the Zoning Board. He thought maybe Mr. Mike Willette may want to step down. Mr. Dixon said Mrs. Hitchcock does want to remain on the Board. Supervisor Menard said the members then are Mr. Orville Nedeau, Mr. Larry Brooks, Mr. Tony Roberts, Mrs. Jane Hitchcock, Mr. Jessie Lavalley, and Mrs. Miranda Grabie.

Voucher: The Audited Vouchers to be paid off the Abstracted Vouchers on February 10, 2015 are as follows:

General - Townwide -----(Vouchers 884 - 910)-----	\$ 36,518.66
Highway - Townwide -----(Voucher 550 - 576)-----	31,066.29
Mooers Fire Protection -----(Voucher 911)-----	177,849.05
Mooers Forks Lights----- (Voucher 899)-----	298.95
Mooers Lights -----(Voucher 899)-----	497.92
Trust & Agency -----(Voucher 116 - 118)-----	<u>10,899.87</u>

Total of Abstracted Vouchers Paid-----\$257,130.74

Adjourn: Councilperson Barcomb made a motion for the meeting be adjourned. Councilperson Perras seconded motion. Thus, Supervisor Jeff Menard declared motion carried. Meeting adjourned at 8:11PM.

Respectfully Submitted,

BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR