

Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held April 8, 2014 at the Mooers Office Complex commencing at 7:00P.M.

Present: Jeff Menard, Supervisor
Steve Barcomb, Councilperson
Mary Myatt, Councilperson
Gerald LaValley, Councilperson
Cory Ross, Councilperson

Recording Secretary: Brandi Lloyd, Town Clerk
Others Present: Kaleigh LaBombard, Dog Control Office
Eugene Boulerice, Highway Supervisor
Jess Dixon, Code Enforcer
Jacqueline Madison, Librarian

Absent: none

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

Minutes: All the Board Members were asked if they had read their copies of the March 11, 2014 Minutes. They all replied yes. Supervisor Jeff Menard then asked if there were any omissions or corrections, there were none. Councilperson Barcomb then made a motion to accept the March 11, 2014 Minutes as written and Councilperson Ross 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 March report for State Roads. He reported a total of \$22,151.26 spent in March. He added that this is about a \$10,000.00 increase from March. He said in March 2013 they were out eight days and this March they were out 20 days. Highway Supervisor Boulerice reported that the Town of Mooers would receive about \$21,000.00 in CHIPS money this year. Supervisor Menard explained that CHIPS money is for paving roads. Supervisor Menard added that a check had been received from Clinton County for snow removal in the amount of \$100,562.56.

Library: Mrs. Jacqueline Madison reported that the library had received a \$100.00 donation. She reminded the Board that the State would like the foundation down and the building up by the end of June. Mrs. Madison said the library had participated in the clean-up day. She said six students from PSUNY helped clean and organize the library. Mrs. Madison added that she had purchased eight books for \$2.00 each. She also said that the planning for the Summer reading Program had started. Mrs. Madison said that the upcoming Easter Bunny Bowling would feature an afghan. She added that, to enter for the prize, they would be requesting food items for the Mooers Food Shelf. Mrs. Madison handed in the insurance invoice the library had received. Mrs. Madison informed the Board that she had recently taken a course on how the library could integrate the New York State Common Core Curriculum into their reading programs. Supervisor Menard said he had spoken to S&B Construction in order to get an estimate regarding the cost of the building for the new library. He said they estimated the cost at \$112,200.00 for the frame of the building, roof, and to get the shell up. He asked for a motion to go out to bid for the foundation and frame of the new library. Councilperson Ross made a motion to go out to bid for the foundation and shell of the new library. The motion was seconded by Councilperson Lavalley. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Menard declared the motion carried. Supervisor Menard added that an ad would go in the paper and that the bids would be opened at the meeting next month. Supervisor Menard asked for an update on the adjoining Barlow property. Councilperson Ross explained that the Town was trying to buy it, but it was discovered that there were several liens on the property. He added that the lawyer was working on settling the liens. Mr. Dixon added that Mr. Murnane, lawyer, has the necessary paperwork regarding the Barlow property. Supervisor Menard said he would contact Mr. Murnane for an update. A question was asked if there was adequate space for the septic and well for the new library. Mr. Dixon said there is a well on the property and is in the deed and that there is plenty of room for a septic. He added that the septic on the Barlow property is good if the Town is able to purchase the property.

Dog Control: DCO Kaleigh LaBombard reported that it had been a quiet month. She added that the new building had been inspected on April 4, 2014. Ms. LaBombard said it was suggested that the stalls be lined with sheet metal on the inside to make them easier to clean. Supervisor Menard asked if the leash law was still in effect. Ms. LaBombard answered that it was and that it as an Ag. & Markets Law. Ms. LaBombard handed in the itemized report for March 2014 which showed the following: currently two dogs in the shelter, zero dogs came in from Altona, one dog came in from the Town of Mooers, zero dogs came in from Chazy, 16 reports/ complaints received, and zero warning letters were mailed.

Beautification Committee: Mrs. Scarlett Sample said the committee would be meeting in the next couple weeks to discuss the need of new flags and poles, the flower pots going out, and the Fire Department Garage Sale letter. She asked if the Town would like to have a few paragraphs on the Fire Department Garage Sale letter, Supervisor Menard said he did not plan on it. She added that the committee is working on getting blue prints for the memorial. Mrs. Sample added that they did not purchase new decorations this year for Christmas. She said they do have secondary "Welcome to Mooers" signs that they would be asking Mr. Boulerville to put up. Mrs. Sample asked about the debris on the side of the roads and if there would be a way to ask volunteers to pick it up. She asked then if there was a place the volunteers could bring the garbage so they would not have to pay to dispose of the garbage they volunteered to remove. Supervisor Menard said the dumpster at the Town could be a possibility. Mr. Boulerville said this may not work because there would be no way to monitor who was disposing of garbage and where it exactly came from. There was some discussion. He added that the Highway Department takes care of the debris on Town Roads and the County will take care of their roads. Mrs. Sample then asked if they could make purchases within their budget without first bringing it to the Board. Councilperson Ross said, as long as it is within the Committee's budget, they do not need Board approval.

Youth Program: Supervisor Menard asked if anyone from the youth program would like to address the board. No person was present for the youth program 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. Chris Bulriss, Fire Chief, handed in the March report. The March report contained the following: Station #1 had 6 calls, Station #2 had 0 calls, Town had 2 calls and Mutual Aid had 4 calls with an average response time of 2.5 minutes. -----Incident types were MVA=1----Other=(EMS assist). Mutual aid to Altona=1----Champlain=2----Chazy=1. Mutual Aid from NONE. Vehicle 251(Pumper) used 1 time, vehicle 252(Brush Truck) used 1 time, vehicle 253(Squad) used 0 times, vehicle 254(Pumper) used 1 time, vehicle 257(Heavy Rescue) used 2 times, vehicle 258(Tanker) used 2 times, vehicle 259(Pumper) used 0 times, and vehicle 25-AIR(Air Truck) used 2 times. Gallons of diesel fuel used not reported. Gallons of gasoline used not reported. Supervisor Menard then began opening the bids for the New 2015 1-Ton Single Cab Chassis. There were three bids; Riley Ford- Chazy, NY (\$30,218), Vision Ford-Rochester, NY (\$30,692), and West Herr Ford- Hamburg, NY (\$29,017). Supervisor Menard said the bids would be given to Mr. Bulriss. He added that Mr. Bulriss would review the specifications of the New 2015 1-Ton Single Cab Chassis and compare the same to the bidding specifications ; therefore Councilperson Barcomb made a motion that the following be adopted:

THEREFORE, BE IT HEREBY RESOLVED THAT THE FIRE CHIEF OF THE MOOERS VOLUNTEER FIRE DEPARTMENT IS HEREBY AUTHORIZED TO PURCHASE SAID 1-TON TRUCK FOR THE MAXIMUM PURCHASE PRICE OF TO BE ANNOUNCED, TO BE DELIVERED TO THE FIRE DEPARTMENT GARAGE, AND TO BE DELIVERED WITHIN 90 DAYS AFTER RECEIPT OF SAID ORDER

The motion was seconded by Councilperson Ross. The result of a Roll Call was 5 AYES(Councilperson Barcomb, Councilperson Myatt, Councilperson Lavalley, Supervisor Menard, Councilperson Ross) and 0 NOES, therefore Supervisor Menard declared **Resolution #018-2014** adopted.

Mr. Bulriss then discussed the ambulance in Mooers and the fact that when they are out on a call, another ambulance has to then cover Mooers. He said they are going to start supplying some EMTs in the area with jump bags. He said they could then respond to calls, when the ambulance was out, more quickly than having to wait for an ambulance from another town. He then reminded everyone that the annual Ham Raffle night is Saturday April 12th at pm.

EMS: Supervisor Menard read the report submitted from EMS. It showed for January 2014; 35 calls, 596 miles driven, and 195.52 gallons of fuel. The report for February 2014 showed; 23 calls, 500 miles driven, 147.5 gallons of fuel.

Court: The Justice Fund report for March showed total receipts of \$9946.00 with \$5858.00 of that goes to the State, \$80 to the County, and \$4008 to the Town of Mooers. Supervisor Menard said that the Court Books need to be audited by the Board. He asked the Board members to review the Court Books. Mrs. Bulriss said she was thankful to the Board for the one file cabinet, but said she needs two. She said the fine for not having fire-proof filing cabinets is huge. She asked the Board to consider purchasing another cabinet. Supervisor Menard said they would look into it.

Code Enforcement Officer: Mr. Jess Dixon handed in his report for the month of March showing a total of 26 calls to the office and 12 calls received at home, with a total of 358 miles traveled. The report showed three violations issued, adjourned for change of venue, and four building permits issued. Mr. Dixon asked the Board to consider paying \$300.00 for him to become a member of the NFDA. He said, as a member, he would save 20% off of the books he needs to purchase as well as gaining access to Internal Codes Council online. He said he is in need of at least 10 NFDA books and would save at least \$40.00 per book if a member, saving more than the membership fee. There was discussion regarding the membership. Supervisor Menard said it would be tabled for a month. Supervisor Menard said that Mr. Dixon has three names for the Planning Board; James Judkins, Victoria Evans, and Matt Lloyd. He said that a representative for AIS Northeast will be meeting with the Board to discuss how they could help the Town with zoning laws as well as with developing a Planning Board. He said anyone else interested in learning what they have to offer is welcome to come as well on April 15 at the Town offices. Mr. Lavalley asked how many members are required for a Planning Board. Mr. Dixon answered five people.

Old Business: Supervisor Menard gave an update on the recent building collapse. He said that he contact Mr. Tarbox of the Department of Labor in Albany. He said Mr. Tarbox advised him that the building had to be treated as if it is positive asbestos. He said that someone certified to handle asbestos needed to take care of the cleaning up the debris. Supervisor Menard said he got in touch with Randy Bedard because he knew that Mr. Bedard had taken care of the clean-up of buildings in Rouses Point and Champlain. He said that Mr. Bedard had a certificate, from an eight-hour course, to work with asbestos and started clearing debris on Monday, April 7, 2014. Supervisor Menard said that Mr. Bedard was turned in today and work was stopped by Mr. Jason Pensabene of the Department of Labor. Supervisor Menard said when he talked to Mr. Tarbox, he said it needed to be treated as asbestos and that is all Mr. Tarbox said. Supervisor Menard said he understood that to mean that he needed someone that deals with asbestos to remove the debris, but that was not what Mr. Tarbox was saying. Supervisor Menard said Mr. Tarbox was saying that every little piece on the lot has to go to an asbestos facility, which is in Rochester. He added that Mr. Bedard's equipment must stay on site for decontamination. Supervisor Menard said it was probably his mistake, that he did not understand truly what needed to be done. He added that he believes Mr. Bedard may have known differently, but that he was trying to help the Town also by removing the debris. Supervisor Menard said now a New York State Certified Company has to remove the debris. He said Mr. Pensabene said Mr. Tarbox should have explained that to him. He said Mr. Bedard was taking loads to Morrisonville at the rate of \$85.00 per ton. He said that he spoke to someone this morning and, the last time they took loads to the facility in Rochester, it was \$250.00 per load. Supervisor Menard said it is going to be a real big bill to get rid of the debris. Councilperson Ross asked how it came about that Mr. Bedard was hired to start removing debris from the site. Supervisor Menard he knew he had taken down a couple of buildings before and that Mr. Bedard said he would give the Town his receipts for the landfill in Morrisonville plus charge by the hour to run the equipment to load the trucks. Supervisor Menard said he asked Mr. Tarbox if the Town had to go out to bid. He said Mr. Tarbox said, of the companies he has dealt with, there is no way to bid it because it is impossible to know how many loads of debris are on the site. Supervisor Menard added that he thought it was a pretty good deal with Mr. Bedard giving the Town the receipts from the landfill and charging so much an hour to run the equipment plus paying the drivers of the trucks. Councilperson Ross said the Town could have gone out to bid or at least have talked about it. He said he didn't know anything about it before driving by the site while taking his child to school and notice someone working on it. He said the last he knew, the Town was going to do as much work as could be done and then go out to bid. Mr. Ross added, as a Town Board member, he didn't know anything about it and he didn't think anyone else did either. He said that he had received calls from people asking what was going on at the site and that he didn't have an answer for them. Supervisor Menard said he doesn't have an answer either. Councilperson Ross said maybe Supervisor Menard should have called everyone to let them know Mr. Bedard was starting the work on Monday. Supervisor Menard said it was his mistake. He added that there was a resolution a couple of months ago for he and Mr. Murnane to work together and get the process started to clean it up and that's what he did. Councilperson Ross said he thought at that

point the process was to make sure everything was legal as far as paperwork with the old owner. He added that he thought before anything started they would at least talk about it. Councilperson Ross said that the school is right there and that there is asbestos floating around. Supervisor Menard said that we don't know if there is asbestos. Councilperson Ross said the Supervisor Menard said it is to be treated as if it is. Supervisor Menard said you have to treat it like it's asbestos. Councilperson Ross said that is dangerous stuff and that the school has vents sucking it right in. Supervisor Menard said that is why the Fire Department went down and put water on the debris. Councilperson Ross said there are neighbors and the Senior Citizen home right there and that it is opening the Town up to a huge liability. Councilperson Lavalley asked if the owner had been heard from. Supervisor Menard said he received an e-mail from the property owner two or three weeks ago stating he would be in Town the following week and never showed. Supervisor Menard said he has paid his taxes on the property, but he has not seen or heard from the property owner otherwise. A question was asked if there is a ceiling on what the Town has to go out to bid on. Supervisor Menard said it is \$20,000.00 for purchase of a vehicle and \$30,000.00 for building, but added that he has not seen anything under demolition. A question was asked if the property is deeded to the Town. Supervisor Menard explained that the owner had been given his 60 day notice to come up with a plan to start the clean-up process. He said that the bill for the clean-up will now go on the home owner's tax bill and that after three years of non-payment the County will take the property. He said then the County will more than likely turn the property over to the Town at that time. Someone asked if a demolition permit was issued. Supervisor Menard no, it is already demolished and said Mr. Bedard gave the Town a \$2 million insurance rider. Supervisor Menard said that Mr. Bedard is done with the project and no longer in the picture because he's not certified. It was then asked if this would be the case for all buildings in the Town because there are quite a few that are in bad shape. Mr. Dixon answered that the Town has a Nuisance and Abatement Law in place addition to the property maintenance codes of New York State. He added that owners are required to maintain fire codes and that letters are being sent out to owners of properties not in accordance. It was then asked what would happen with the loads already brought to Morrisonville. Supervisor Menard said nothing, it would not come back on the Town. Mrs. Beverly Perras said she saw the two dump trucks carrying debris going up and down her road and that maybe the loads were not going to Morrisonville. Supervisor Menard said that is Mr. Bedard's issue because he is the one that took it out of there and he should be the one to worry about it. Question was asked if the State had grants to possibly help with the clean-up. Supervisor Menard said they may know more next week. It was also asked if the County could come in to help. Supervisor Menard said he doubted they would want to touch it. It was asked if the Town had the receipts from the Morrisonville landfill. Supervisor Menard answered that the Town did not yet have the receipts. Mrs. Perras again said that she heard the trucks going up and down her road all day long. Supervisor Menard said he would check with Mr. Bedard tomorrow because he was supposed to hand in the receipts. Mr. Dixon said he was going to try to locate the real estate transactions for the property as he believes there may have been an asbestos abatement in the past to try to prove it is asbestos free. Supervisor Menard said that he was told it could not be tested now that it has collapsed. He said the Department of Labor said that any collapsed building must be treated as if it has asbestos. Councilperson Ross discussed the previous owners having sold all of their other funeral homes, but keeping the one in Mooers and renting it out. There was some discussion on trying to find out if the building had been declared asbestos free or not at some point. Councilperson Ross asked a person in attendance from a construction company if the protocol with a collapsed building would be to hire a company to sift through the debris and test it. The person said yes. A woman in attendance said that Supervisor Menard had explained that you could not do that. Supervisor Menard explained that New York state says, with a collapsed building, you cannot get in to test it and that any collapsed building has to be treated as if it has asbestos. A question was asked if, from now on, should any condemned building be tested or inspected for asbestos. A question was asked what stops a person from buying a condemned building. Someone suggested that any condemned building be inspected for asbestos. Supervisor Menard suggested maybe inspected all older buildings, even those that aren't condemned as well. Supervisor Menard said the building was condemned when the owner bought it and that the owner was aware that it was condemned. Supervisor Menard apologized if he had upset anyone and that he is trying is best and thought it was the best, cheapest way for the Town. Mr. Dixon said he remembers a resolution being passed for a procurement procedure. Councilperson Ross answered that the Town has a policy in place on how to handle going out to bid for a purchase or service. A person in attendance, a contractor, suggested that if there is a next time it would have been nice if other contractors had the opportunity to do the work and were asked if they were certified. He said he sent an e-mail to Supervisor Menard. Supervisor Menard said he read the e-mail and that it probably should have been done. Councilperson Ross asked if he could make a suggestion in regards to this type of situation, that they are there as a Board to make these kind of decisions together. He suggested that it would have been better to have gone through the Board, waited until the meeting, or polled the Board. A woman in attendance yelled, "This may be very inappropriate, but I would like to remind you Cory, that many months ago I sat right here and asked whether that library should have gone out to bid and

you said no. And here we are getting ready to bid. So let's not point fingers. I appreciate Jeff that he done something." Councilperson Ross said he was not pointing fingers or starting a fight. Supervisor Menard said he did make some mistakes and is admitting it. Councilperson Myatt asked if the Board was supposed to work together on situations like this. Supervisor Menard said yes. He added that he assumed there was a resolution passed for him to move forward with the clean up and that maybe he read it wrong. Councilperson Myatt said if the Board would have met and talked about it they would have known. She added that she had been receiving calls and did not know the status was with the building. Mr. Favreau said nobody knew what was going on with the library. Councilperson Myatt said that is different than dealing with asbestos. Supervisor Menard said let's move on. Mr. Ross said his intention is not to start a conflict, he was just asking to be better informed. Supervisor Menard said he agreed and is trying to do that.

New Business: none

Town Business 1: The need has arisen where money in the Budget for the accounts listed have exceeded the original appropriation. The funds to cover the difference be made available as listed, as per the Secretary to the Board; therefore Councilperson Ross made a motion that the following be adopted:

BE IT HEREBY RESOLVED THAT THE FOLLOWING FUNDS BE MOVED IN THE BUDGET JOURNAL TO THE DESIGNATED ACCOUNTS

MOVE \$130,000 FROM DA909 FUND BALANCE TO DA5130.2 EQUIPMENT FOR THE PLOW TRUCK PURCHASE

The motion was seconded by Councilman Barcomb. The result of a Roll Call was 5 AYES (Councilperson Barcomb, Councilperson Myatt, Councilperson Lavalley, Supervisor Menard, Councilperson Ross) and 0 NOES, therefore Supervisor Menard declared **Resolution #019-2014** adopted.

Vouchers: The Audited Vouchers to be paid off the Abstracted Vouchers on April 8, 2014 are as follows:

General - Townwide-----	(Vouchers 521 - 544)-----	\$ 12,726.96
Highway - Townwide-----	(Voucher 322 - 345)-----	40,208.26
Mooers Fire Protection -----	(Voucher 532, 543 - 553)-----	3,952.19
Mooers Forks Lights-----	(Voucher 543)-----	500.19
Mooers Lights -----	(Voucher 543)-----	883.22
Trust & Agency -----	(voucher 86 - 88)-----	<u>10,372.57</u>
Total of Abstracted Vouchers Paid-----		\$68,643.39

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

Public Comment 1: Someone asked Mr. Boulerville where the Town had purchased the truck for the Highway department. Mr. Boulerville said the bid was awarded to Clark's Truck Center.

Public Comment 2: Mrs. Shannon Phair asked that the Board and members of the community and everybody try to put the past behind us for the good of the Town.

Public Comment 3: Mr. Jack Dragoon said he has been harassed by the this Town Board for long enough and that he would like it to stop. He said he has someone lined up to help him and he is not fooling around. Mr. Ross asked what he was referring to. Mr. Dragoon answered that he has received letters and quotes in the newspaper. Mr. Dragoon asked Mr. Boulerville how much has been spent on snow removal of the sidewalks. Mr. Dragoon said the nasty letters and e-mails better stop. He added that he is trying to put a building up and is being harassed. He said he had to go to court and that he has been lied to over and over again. Mr. Dragoon said he applied for a permit over a month before it's answered. He said the Code Enforcement Officer should speak with the company hired to construct the building not send letters. Mr. Dixon said that a building cannot be started without a permit and that there is a procedure to follow. Several comments from different people at the same time. Supervisor Menard stopped the conversation.

Insurance Renewal: Mrs. Andree LaBarge of the LaBarge Agency, presented their Insurance Proposal for the Town of Mooers.

Adjourn: Councilperson Barcomb made a motion for the meeting be adjourned. Supervisor Menard seconded the motion and the result was 5 AYES (Supervisor Jeff Menard, Councilperson Mary Myatt, Councilperson Steve Barcomb, Councilperson Gerald LaValley and Councilperson Cory Ross) and 0 NOES. Thus, Supervisor Jeff Menard declared motion carried. Meeting adjourned at 8:52 PM.

Respectfully Submitted,

BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR