Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held May 13, 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 April 8, 2014 Minutes. They all replied yes. Supervisor Jeff Menard then asked if there were any omissions or corrections, there was one. Supervisor Menard requested a change on page three. He said it should read; "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 ton..." not "...$250 per load." Correction noted. Councilperson Barcomb then made a motion to accept the April 8, 2014 Minutes as corrected 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 April report as well as the yearly report for State Roads. He reported that, for the year, about $34,000.00 more was spent this year than last year on State Roads. Total yearly expenses for 2013-2014 were $160,919.09. $126,914.62 was spent in 2012-2013. He added that he has been informed to expect the cost of salt to go up about 12% next year. Highway Supervisor Boulerice explained that sidewalks became the responsibility of the Highway Department this year. He handed out a packet showing the amount of money spent on Mooers Sidewalk Snow Removal. He said, in order to do a cost comparison, three years were researched. The years researched were; 2007-2008, 2010-2011, and 2012-2013. The amount spent each year was; $17,135.00, $21,537.50, and $12,857.50 consecutively. He said this year the total cost, including fuel and labor was $2,888.39. He said, before the Town purchased the skid steer, they would rent a skid steer in the summer to grind pavement at $500.00 per day. The Town spent $4,500.00 to rent a skid steer last year. Highway Supervisor Boulerice said the Town saved $18,787.72 this year with the Highway Department maintaining the sidewalks. He explained that with saving this amount of money the skid steer, purchased within the Highway department’s allotted budget for equipment, would be paid for in about three to four years. Supervisor Menard asked if that figured in the V-Plow, brush and blower. Mr. Boulerice said yes and that the total purchase price for the skid steer, including the snow blower, salt spreader, angle broom, v-plow, and 12’ blade for loader, was $45,796.56.

Library: Mrs. Jacqueline Madison reported that the Library’s Easter program was a success with 45-50 children in attendance. She added that the library would be hosting an Open House/ Library Information BBQ on May 17th from 12-2pm. She reminded the Board that the foundation must be completed by the end of June this year. Mrs. Madison suggested that a committee be established for the library. She added that the library is for the community. Supervisor Menard said it would be fine to set-up a committee and asked Mrs. Madison to bring a list of names to the next Board meeting. She then asked about if the sump pump had been repaired. Supervisor Menard said it was the hose and he had replaced it. Mrs. Madison asked if the outside light could be looked at. Highway Supervisor Boulerice said it may be moisture causing the issue and he would look into it this week. Mrs. Madison welcomed anyone that might be interested in being a part of the committee to let her know. Supervisor Menard reminded everyone that the Town went out to bid to put the frame up for the new library. He said they only received one bid. Supervisor Menard then began opening the bid for the foundation and shell for the 40’ x 60’ building. One bid was received; Mark Bouchard Construction in Chazy ($68,500.00). Supervisor Menard said the bid would be gone over to make sure it is what the Town is looking for. Councilperson Myatt asked about the one from S&B Construction. Supervisor
Menard said S&B Construction had already bid the job. He added that they would look over the bid from Bouchard Construction as well as that from S&B Construction. Therefore Councilperson Barcomb made a motion that the following be adopted:

THEREFORE, BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS BOARD AND THE TOWN OF MOOERS LIBRARIAN ARE HEREBY AUTHORIZED TO AWARD BID FOR SAID CONSTRUCTION OF THE SHELL OF THE NEW LIBRARY FOR THE MAXIMUM PURCHASE PRICE OF TO BE ANNOUNCED

The motion was seconded by Supervisor Menard. 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 #020-2014 adopted.

Dog Control: DCO Kaleigh LaBombard handed in the itemized report for April 2014 which showed the following: currently two dogs in the shelter, zero dogs came in from Altona, one dog from the Town of Mooers, one dog from Chazy, and 33 reports/complaints were received. Ms. LaBombard added that she will be out of town June 12-June 16. She said her family will take care of any dogs in the shelter and that, with Board approval, she would like to contact the Altona DCO, Lionel Peryea, to cover her calls. The Board agreed.

 Beautification Committee: Mrs. Scarlett Sample said the committee purchased 30 new flags as well as some flag poles. She said the flowers are going in the planters and will be ready soon. She then asked about the Reserve Account that the Town set up for them. Mrs. Sample said that Mrs. Rena Bosley, Secretary to the Board, had informed her that it has to go through the attorney. Supervisor Menard said he would look into it.

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, was absent but handed in the April report. The March report contained the following: Station #1 had 11 calls, Town had 9 calls and Mutual Aid had 2 calls with one to Altona and one to Chazy. Details of Incident types and vehicle usage were not available at the time.

EMS: Supervisor Menard said a report was not submitted by EMS. He added that the Town of Mooers had received a letter from Champlain EMS for the Town to sign. He explained that Champlain EMS is in the process of building a new ambulance bay. He said the letter they are requesting from the Town is to confirm with the bank that they have a contract with the Town of Mooers.

Court: The Justice Fund report for March showed total receipts of $14,069.51 with $9121.00 going to the State, $40.00 to the County, and $4908.51 to the Town of Mooers.

Code Enforcement Officer: Mr. Jess Dixon handed in his report for the month of April showing a total of 52 calls and 2 violations issued. Mr. Dixon said he would address the collapsed building during Old Business.

Old Business: Supervisor Menard gave an update on the recent building collapse. He said the Town had received a second letter from Mr. Duguay today, May 13th regarding his disability as well as his license being suspended due to illness. The letter also stated that he will not be able to attend court or help with the building, but will do his best to help when he returns from his disability. Supervisor Menard added that the Town had met with Mr. Duguay on April 23rd to discuss his intentions. At that time, Supervisor Menard said Mr. Duguay informed the Town that he intended to start the clean-up process. He said the Town then received an e-mail from Duguay on May 2nd stating that he had tried his best, with the list of contractors that the Town had provided, without success. He said the e-mail went on to say that he knows it is important to the Town of Mooers and that the removal is more expensive than he expected and that he has financial limitations that might prevent servicing the land. Supervisor Menard said that it looks like the Town is not going to get much help from the owner. Supervisor Menard said the Town held a special meeting on April 25th to discuss the discovery of asbestos in the debris of the collapsed building. He said at that time the Board voted to cap the site, but it’s has been two weeks and still no word from the Department of Labor in Albany, which all work must go through. Supervisor Menard said the Town did hear back from KAS regarding the cost of monitoring the air.
He said it will cost $10,775.00 to monitor the air during remediation for a two week period. Supervisor Menard said he would like to now work on removing the debris. Mr. Dixon said it would cost $17,000.00 to cap the site. Mr. Murnane, Town lawyer, said he has spoken with Congressman Bill Owens regarding this situation. He said Congressman Owens was involved in a similar situation in Malone where a building had collapsed and they were able to get financial assistance from the Environmental Protection Agency. Mr. Murnane said Congressman Owens is willing to be as helpful as possible with getting funding. Councilperson Barcomb thanked Mr. Murnane. Supervisor Menard said he spoke with Mr. Dan Muchaud, an asbestos contractor, and asked him to give the Town an estimate. He added that KAS oversees the project. Supervisor Menard said Mr. Dixon discovered that the debris could be trucked to Franklin County, which is considerably better than going to Rochester. Supervisor Menard said he would like to see the site cleared rather than capped at this time. Mr. Dixon said with the project being monitored by KAS, removing the debris will be 100% safe. Councilperson Myatt asked if they would be removing just the asbestos. Mr. Dixon answered that they would be removing everything. Mr. Murnane stated that the entire site has to be treated as asbestos. Councilperson Myatt asked if Franklin County would take asbestos. Mr. Dixon said yes, they take friable and non-friable asbestos. He added that the facility in Franklin County works with municipalities. Mr. Murnane said only certain sites in New York State will accept asbestos and that Franklin County is one of those sites. Supervisor Menard said he was informed by Mr. Dan Muchaud that very few contractors can transport this type of debris.

Councilperson Lavalley asked Mr. Murnane if the Town started the process, would the EPA reimburse the Town. Councilperson Lavalley added that maybe the Town should wait if there is a chance that the EPA will help with the costs. Mr. Murnane said he should be able to find out soon if the EPA is willing to help. Supervisor Menard reminded everyone that the Town must go through the Department of Labor and that the process doesn't go all that quickly. Supervisor Menard asked Mrs. Brandi Lloyd to read the resolution for the Town to enter into a contract to have the debris removed from the site.

BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS MOVE FORWARD WITH THE REMEDIATION PROCESS AS PER NEW YORK STATE REGULATIONS AND ATTACH ANY AND ALL COSTS TO THE TAX BILL OF THE PROPERTY LOCATED AT 2444 STATE ROUTE 11, MOOERS

Supervisor Menard asked for a motion. Supervisor Menard made a motion. Councilperson Ross suggested the Town wait to hear back from Mr. Murnane regarding the EPA. Supervisor Menard agreed. He said that the Town would not move forward until they heard back from Mr. Murnane. He said they also have to wait to get in touch with the Department of Labor. Supervisor Menard said they could wait on the resolution, but it would be a good idea to have it in place so when it was time to start, they would be ready. Councilperson Myatt asked if any decisions to move forward would be made without first consulting the Board. Supervisor Menard said no. It was decided to wait on passing the resolution. Supervisor Menard asked if there was any other old business.

Old Business 2: Councilperson Lavalley asked about the bill to repair damage to the dry well behind the Blue Note property. He suggested that it be turned in to the Town's insurance company as a claim. Supervisor Menard said he would call Mrs. LaBarge, insurance agent, tomorrow. Supervisor Menard explained that on the evening of the building collapse, the Town loader was brought in to remove debris and the only path to get where they needed to go was by going behind the Blue Note. He said in the process, one of the tires of the loader fell into the dry well. He said Mr. Boulerice put a piece of metal over it that night as the ground was frozen. Supervisor Menard said Mr. Leon Rabideau repaired the damaged charging $450.00 for labor and $200.00 for parts. He said he will turn it in to the insurance company. A gentleman in attendance then asked about the bricks in the debris of the collapsed building and if they could be used or sold. Supervisor Menard answered no. Another gentleman in attendance said that each brick would have to be hand-washed and would be very costly. Supervisor Menard said the bricks are very brittle. Supervisor Menard added that anything having to do with the site must go through the Department of Labor.

New Business

Town Business: Supervisor Menard explained that Mrs. Rena Bosley, Secretary to the Board, has researched mail meters to be used by the Town offices. He added that a mail meter would not only save money, but time as well. He said that there is $700.00 in the budget and the mail meter would cost $624.00 per year. Therefore Councilperson Myatt made a motion that the following be adopted:

BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS SHALL ENTER INTO A THREE YEAR CONTRACT WITH PITNEY BOWES TO SUPPLY MAIL METER SERVICES NOT TO EXCEED AMOUNT APPROVED IN BUDGET
The motion was seconded by Councilperson 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 #021-2014 adopted.

**Town Business 2:** Supervisor Menard reminded the Board that he, the Court Clerk, Mrs. Crystal Bulriss and the Dog Control Officer, Ms. Kaleigh LaBombard had been asked to keep a log of their hours for three months. He added that this is a requirement of the Local New York State Retirement System. Therefore Councilperson Barcomb made a motion that the following be adopted:

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS ACCEPTS THE AMENDED STANDARD WORK HOURS AS REQUESTED BY THE NYS RETIREMENT SYSTEM; SUPERVISOR STANDARD WORK DAY SIX HOURS, COURT CLERK STANDARD WORK DAY EIGHT HOURS, DOG CONTROL OFFICER STANDARD WORK DAY SIX HOURS**

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 #022-2014 adopted.

**Town Business 3:** Supervisor Menard explained that the insurance for the Town and Fire Department was due for renewal on April 31, 2014 and that it was renewed with LaBarge Insurance Agency in Ellenburg. He stated that at the April 08, 2014 Town Board Meeting Insurance Agent Andree LaBarge presented the insurance coverage and renewal information to the Board for the Town of Mooers and the Mooers Volunteer Fire Department. Therefore Supervisor Menard made a motion that the following be adopted:

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS ACCEPT THE INSURANCE COVERAGE AS PROPOSED BY INSURANCE AGENT ANDREE LABARGE**

Supervisor Menard asked for a second. Councilperson Myatt said the Board was not involved in the decision. She said the insurance was renewed without contacting the Board. Supervisor Menard said it ran out the end of April. Councilperson Myatt said yes, but they are still part of the Board and should have been called. Mrs. Shannon Phair asked if the Town was without insurance. Supervisor Menard said yes, but they are still part of the Board and should have been called. Supervisor Menard said the Town is insured. Mr. Juhasz asked if the insurance was discussed at the last meeting. Supervisor Menard said yes. Mrs. Phair said that would have been a good time to ask any questions. Supervisor Menard said he had asked another company for a quote, but they did not get back to him in time and that he didn’t think it was a good idea to let it lapse. He said and to try and get a hold of everybody and ask them. Councilperson Myatt said it was not right that the Board was not involved in the decision. Mr. Juhasz asked what they were waiting for when the insurance was presented. Councilperson Myatt answered that they were waiting for the second quote. Supervisor Menard said LaBarge was the only company to choose from. Mr. Harry Gonyo said he can’t understand why the Town always goes with LaBarge Agency for insurance. He asked why the Town doesn’t get quotes from other agencies. Supervisor Menard said he did attempt to get other quotes. Mrs. Phair asked how many agencies were asked to submit quotes. Supervisor Menard said two. Supervisor Menard said as of May 1st the Town was not going to have insurance if it was not renewed and that it is his job to make sure the Town has insurance. He added that the Town is currently covered, but they just don’t have a resolution to accept it. Mrs. Myrtle Hawksby said she thought the Board was for the good of the Town. Supervisor Menard agreed that so did she. Councilperson Myatt added that if the Board is not included, how could they be supportive. Mrs. Megan Simpson asked if they were not made aware that the insurance was going to end. Councilperson Myatt said no, the Board was not made aware of when the insurance would expire. She added that the insurance was presented to them, but a date was not given. Several people speaking at the same time. Mrs. Megan Simpson said as a Board member she should be informing herself of these kind of things. Councilperson Myatt said they did not know until after the fact that Supervisor Menard had accepted the insurance. Supervisor Menard said he would speak with Mr. Murnane and the resolution to officially renew the insurance was tabled.

**Town Business 4:** Supervisor Menard brought up the meeting with Mr. Scott Allen to discuss updating zoning laws for the Town and to start the Planning Board. He said that Board members say they want to be involved, but nobody showed. Councilperson Myatt asked what meeting he was referring to. He said he, Councilperson Lavalley, Mr. Dixon, and Mrs. Scarlett Sample were the only ones in attendance. He said they are meeting with Mrs. McManus and Mr. Allen on Tuesday, July 15th at 6pm to discuss possible grants for the Town. Mr. Murnane said that Mr. Allen assisted the Town of Champlain
with their zoning ordinance and helped simplify their very complicated zoning maps. Supervisor Menard said it is a good idea to re-visit zoning laws periodically. Mr. Murnane said Mrs. McManus is also successful at obtaining grants. Mr. Menard asked the Board if they were good with meeting on July 15th at 6pm.

**Town Business 5:** Supervisor Menard said the State Comptroller has informed the Town that the contract with the Fire Department regarding how the money is handled is not correct. He explained that currently the money budgeted for the Fire Department stays in the General Fund and their bills are paid from that account. He said it should be set-up more like EMS with funds going to the Fire Department, be in their account, with them in charge of the funds. He said how it is being done currently, the Fire Department money shows in the books as if it is Town money. He said it needs to go out of the Town account because it then gets claimed as Town money and it is not. Mr. Phair asked if there was any way for it to stay how it is. Supervisor Menard said only if they established a Fire District with the Town Board as the Fire Commission. Supervisor Menard said Mrs. Rena Bosley will still pay the bills for the Fire Department if they would like, but it would have to be out of a separate account. He said it has to be in an account belonging just to the Fire Department.

**Highway Department 2:** Supervisor Menard read an e-mail regarding the sweeping of Blackman Corners Road. He asked who was responsible to sweep that location. Mr. Boulerice said that it is a County right-away. There was some discussion. Supervisor Menard asked Mr. Boulerice to contact the County to sweep that road.

**Town Business 6:** Motion was made by Councilperson Barcomb to approve payment of vouchers as listed below. The motion was seconded by Supervisor Menard. All in favor. Motion carried.

**Vouchers:** The Audited Vouchers to be paid off the Abstracted Vouchers on May 13, 2014 are as follows:

- **General - Townwide** — (Vouchers 554, 556 - 566, 569 - 586) $37,602.40
- **Highway - Townwide** — (Voucher 346 - 369) 35,154.72
- **Mooers Fire Protection** — (Voucher 555, 560, 581, 587 - 594) 22,975.23
- **Mooers Forks Lights** — (Voucher 582) 341.06
- **Mooers Lights** — (Voucher 582) 578.26
- **Trust & Agency** — (voucher 89 - 91) 10,372.57

Total of Abstracted Vouchers Paid: $107,024.24

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

**Public Comment 1:** A question was asked if the Town would be sweeping the side of the roads. Mr. Boulerice said yes.

**Public Comment 2:** Mr. Lester Juhasz asked Mrs. Brandi Lloyd, Town Clerk, if it states anywhere in the minutes from the last meeting, when Mrs. Andrea LaBarge was presenting the insurance information, the date it would expire. She answered that the minutes simply state that Mrs. LaBarge presented her insurance proposal. He asked who should then get a hold of the Board members and have them vote on it. He asked if Supervisor Menard knew the date, but nobody else did. Mrs. Myrtle Hawksby said that Councilperson Ross should know. Mr. Juhasz said that, in the future, it should be brought before the Board or there should be a policy in place to make sure everyone is aware of expiration dates.

**Public Comment 3:** Mrs. Karen Bisso, running for New York State Assembly, thanked the Town and the Board for allowing her to attend this meeting as part of her 37 Town Tour 115th Assembly District.

**Public Comment 4:** A question was asked about road repairs on the North Star Road regarding overgrown trees and pot holes. The person asking added that Barcomb Road is also very bad. Mr. Boulerice said that each year he is given enough funds to repair about 3.5 miles of roads and there is a total of 75 miles of roads to maintain. The gentleman said leaving sand on the roads is causing damage. He also said the sand was not removed from Barcomb Road last year. Mr. Boulerice explained that last year there was an equipment issue. Another person in attendance asked about the snow removal on the south side of Lamberton Road. He said there is a lot of growth and it takes forever for the water to drain out. He asked how he could request that the Town possibly come take a look at it. Mr. Boulerice took the gentleman’s name, address, phone number and said he would be in touch and would look into the issue.
Supervisor Menard, at 8:05pm, announced that the Board would move to executive session to discuss a past employee and future employees.

The Board re-convened at 8:42pm

Supervisor Menard announced that it was decided in executive session not to pay Mrs. Carol Payne for vacation time, personal time, and sick time. He added that the Board also decided not to pay the landfill fees at this time for the loads of debris that were brought there by Mr. Randy Bedard. Supervisor Menard said that contract negotiations were also discussed, but no decisions were made.

The announcement made by Supervisor Menard regarding paying Mrs. Carol Payne was amended at the July 8, 2014 meeting. The amendment is to reflect the roll call results of the vote being 1 AYE by Supervisor Menard and 4 NOES by Councilperson Mary Myatt, Councilperson Steve Barcomb, Councilperson Gerald LaValley and Councilperson Cory Ross.

Public Comment 5: Mrs. Sue Miller asked if the Town had a Code of Conduct for employees. Supervisor Menard said he was not sure. She explained that her grandson, when out for his bachelor party, was attacked by a board member. Mrs. Megan Simpson said the party involved in the attack last Friday night was the Code Enforcement Office, Jess Dixon. Mr. Dixon said that he would like her to stand up and state her name. She answered that her name is Megan Simpson. Mrs. Miller said his name is Jess Dixon and added that the conduct was totally disorderly. Mr. Dixon asked who was speaking. Mrs. Miller asked Councilperson Ross if anyone had ever done anything like that to his kids. Councilperson Ross said he did not know what she was referring to. Mrs. Miller said they were attacked by him and his two sons.

Mrs. Simpson said he acted as a representative of this Town in a very disgusting fashion by throwing punches on unsuspecting victims with his two sons. A couple of people speaking at the same time. Mr. Dixon said again people are talking and I have no idea who they are. Mrs. Simpson said that she’s sure the cop knows who he is. Mrs. Miller said it doesn’t make it any better because he goes around and hits random people he doesn’t give a rat’s ass about and he doesn’t know who they are. She asked Councilperson Lavalley, Councilperson Myatt, and anyone else if they would want that done to their sons or grandsons or another person. Mrs. Simpson said that’s what we have representing our Town. Mrs. Miller said another thing that she thinks is disgusting is that she (pointed to Mrs. Carol Payne) sat here for two years and she’s not getting her back pay. She added that there’s not another job that does that, that it is highly unprofessional, and it’s absolutely ludicrous. Mrs. Miller said she earned that time and she should get it. She said to the Board, maybe if some of them worked another job, and they asked them they would find out that you earn time, you earn pay. She said nobody left here without getting their pay, past practice. Someone said that Carol Barry did. Mrs. Miller said, no she was just saying past practice. Mrs. Miller said everyone that started this job started at $13.00 an hour, that everybody was astounded by her pay, but the replacement got her pay. Supervisor Menard said thank you and asked if there was anybody else. Rev. Sally White said yes. She said, and if we are taking names, my name is Sally White, Reverend Sally White. She said she had been referred to as that woman or some lady in the minutes in the past. She said last month someone came to the Board and stated it was clear that the Board does not get along. She said tonight it was sad because they could not call Supervisor Menard and say they did not know about the insurance, but it was crystal clear that they had talked to each other and knew exactly what they were going to do and that is sad. Supervisor Menard asked if there was anyone else, there was not. He then asked for a motion to adjourn.

Adjourn: Councilperson Barcomb made a motion for the meeting be adjourned. Councilperson Lavalley 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 8:47 PM.

Respectfully Submitted,

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BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR