

Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held June 9, 2015 at the Mooers Office Complex commencing at 7:00 PM

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

Recording Secretary: Brandi B. Lloyd, Town Clerk

Others Present: Kaleigh LaBombard, Dog Control Officer

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 that before continuing with the meeting, Ms. Liz Tedford and representatives of Bernier and Carr would like to discuss the upcoming Wastewater Feasibility Study for the Town. Ms. Tedford said there are two grants she would suggest the Town try to obtain. She said one grant is for wastewater only and a separate grant is for wastewater and water. She added applying for both would increase the Town's chances of receiving at least one. She said she had provided the Board with her proposed contract and the projected costs for applying for said grants. Mr. Matt Cooper, of Bernier and Carr, thanked the Town Board for choosing Bernier and Carr to conduct the Feasibility Study and introduced Mr. Cory Reed and Mr. Anthony Young, other representative of the company. Mr. Cooper explained more about the work the company does for their clients. He said they have received \$90 million over the past four years for their work with water and sewer projects for rural communities. Mr. Cooper provided the Board with a contract matching the fee as per the proposal. Mr. Cooper said it was up to the Board if they would like to start the study now or wait on the grant decisions. Supervisor Menard asked if money spent by the Town prior to the grant decisions would be reimbursed if the grants were awarded. Mr. Cooper said if the study becomes a full project, all money paid out by the Town would be reimbursed. Ms. Tedford explained that one of the grants will not reimburse any funds spent prior to the award date. There was some discussion. Supervisor Menard asked the Board if they would like to wait for the grant decisions, which will more than likely be in November or December, or if they would like to start the study now. Councilperson Perras asked how much money they would need to start the study prior to having the grants decisions. Mr. Cooper said it would be approximately \$15,000.00 to start the study for both water and sewer with additional funding needed for Ms. Tedford's work on the project. There was some discussion. Councilperson Perras asked where the Town stood financially. Ms. Tedford said she would need the Board's approval of her contract to move forward with the application process for the grants. Therefore Supervisor Menard made a motion to accept Ms. Tedford's contract to proceed with the grant application process. The motion was seconded by Councilperson Barcomb. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Menard declared the motion carried. Councilperson Barcomb suggested waiting until they made sure the Town could afford it. The Board agreed. Supervisor Menard told Mr. Cooper that the Board would go over the Town's finances and let him know.

Minutes: All the Board Members were asked if they had read their copies of the May 12, 2015 Minutes. They all replied yes. Supervisor Jeff Menard then asked if there were any omissions or corrections, there were none from the Town Board. Councilperson Perras then made a motion to accept the May 12, 2015 Minutes as written and Councilperson Barcomb seconded the Motion. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Menard declared Minutes accepted as written.

Highway: Highway Supervisor Eugene Boulerice reported that they are finishing sweeping roads and working on some ditches. Supervisor Menard said the Town had received a three year renewal contract from Clinton County for Municipal Snow & Ice Removal. Highway Supervisor Eugene Boulerice said there are 37 miles of County Roads. He added that State Roads are pure salt where the County Roads are treated with both sand and salt. There was some discussion. Highway Supervisor Eugene Boulerice said the Town made a profit of approximately \$60,000.00 on County roads last year. He added that Clinton County pays their Towns more than Franklin County pays their Towns.

Total Clinton County Snow & Ice agreement will be \$207,692 for the 2015 - 2016 , and will be \$209,101 for the 2016 - 2017 , and will be \$210,580 for the 2017 - 2018; therefore Councilperson Barcomb made a motion that the following resolution be adopted:

BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS ACCEPT THE NYS MUNICIPAL SNOW & ICE AGREEMENT EXTENSION FOR THE 2016 - 2017, 2017 - 2018, AND THE 2018 - 2019 SEASON

The motion was seconded by Councilperson Myatt. The result of a Roll Call was 4 AYES (Supervisor Menard, Councilperson Myatt, Councilperson Barcomb, and Councilperson Lavalley) and 1 NOE (Councilperson Perras), therefore Supervisor Menard declared **Resolution #20-2015** adopted.

Library: Mrs. Jackie Madison reported that she attended a grant writing session. Mrs. Madison added that the instructor of the session informed her of potential grants for the interior of the new library. She said they had received one quote from Duquette Brothers Construction to complete the interior for a total of \$94,600.00 and are waiting to hear back from one other contractor. Mrs. Madison said there is an individual doing 200 hours of community service at the library. She added that neighbors of the library took it upon themselves to spruce up the front of the library. She said they repaired the sign, trimmed trees, fixed the bench, and more. Mrs. Madison showed the Board pictures of the work that had been completed. Mrs. Madison made mention that the steps are deteriorating.

Dog Control: Mrs. Kaleigh Mills, was not in attendance last month, submitted reports for both April and May. The April report showed 18 calls for the month and two dogs in the shelter at that time. The report for May showed a total of 17 calls for the month with six dogs currently in the shelter. Mrs. Mills added that one dog had been put down that day and a few written warnings had been handed out.

Beautification Committee: Supervisor Menard asked if anyone from the Beautification Committee would like to address the board. Mrs. Scarlett Sample reported that the flower pots are out and an invoice will be submitted. She added that their flags have been given to the Highway Department . Highway Supervisor Eugene Boulerice said some of the brackets are broken. Mrs. Sample asked if there was an update on the \$10,000.00 Beautification Committee Reserve Fund and if it did have to go to a permissive referendum. Supervisor Menard said he would check with Mr. Murnane. Mrs. Brandi Lloyd said she spoke with Mr. Murnane he said in order to set-up a Reserve Fund, it must first go to permissive referendum. She added that she spoke with the Clinton County Board of Elections and was informed that they would need to know no later than September if a permissive referendum needed to be added to the ballot to be voted on in November.

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: Supervisor Menard asked if anyone from the Fire Department would like to address the board. No person was present wishing to address the board at this time. Supervisor Menard read from the report that had been submitted. The May report contained the following: Station #1 had 13 calls, Station #2 had 0 calls, Town had 9 calls and Mutual Aid had 4 calls. ----Incident types were House=1----Garage=1----Power Lines=11----MVA=1----Good Intent=1----Grass/ Brush=11----Auto Alarms=1----Other=4 (Medical Assist=3----Carbon Monoxide=1). Mutual aid to Champlain=3----Rouses Point=1. Mutual Aid from none. Vehicle 251(Pumper) used 5 times, vehicle 252(Brush Truck) used 2 times, vehicle 253(Squad) used 0 times, vehicle 254(Pumper) used 2 times, vehicle 257(Heavy Rescue) used 5 times, vehicle 258(Tanker) used 2 times, vehicle 259(Pumper) used 0 times, and vehicle 25-AIR(Air Truck) used 3 times.

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

Code Enforcement Officer: Supervisor Menard asked if anyone from the Office of Code Enforcement would like to address the board. No person was present wishing to address the board at this time. Supervisor Menard read from the report that had been submitted by Mr. Jess Dixon. The May report showed a total of six building permits issued, three violations, and 26 calls answered.

Old Business:

Old Business 1: Supervisor Menard said, regarding the funeral home, that he contacted the company doing the well sampling on the property. He said the wells were tested last week and they looked clean. He added that if the water is cleared, the wells will be pulled and the testing will be completed. Highway Supervisor Eugene Boulerice asked if they could weed whack the overgrown weeds and grass on the property. Supervisor Menard said he had asked Mr. Leon Duprey to take care of it. He said Mr. Duprey asked about the property lines. Councilperson Barcomb asked if the property would be turned over to the Town in three years. Supervisor Menard answered yes, in three years the County would come into possession of the lot for back taxes. He said the County would then try to sell it. Supervisor Menard said the Town had received a letter from the lawyer regarding a settlement with Mr. Bedard. He said the Board needed to vote to decide to settle it or not. Supervisor Menard said the insurance company is kicking in another \$1,000.00 and that Mr. Bedard's lawyer took the tax off the bill as well. Councilperson Myatt then made a motion to accept the previous no votes from the Board regarding paying Bedard Excavating a previous five times and let the lawsuit go to court. Councilperson Myatt asked why paying Mr. Bedard keeps being brought back up for vote. Supervisor Menard said it was voted on each time because it was a different amount being requested each time. Councilperson Myatt asked why a vote of no didn't stay. He said there were different amounts each time and she is asking the wrong person. He added that the Town's lawyer and the Town's insurance company's lawyer say to pay it and that some Board members are saying not to pay it and let it go to court. He added that the Town is taking a damn big chance with going to court and paying \$20,000- \$25,000 of the Town's money. Supervisor Menard said if he did not start cleaning up the mess with Mr. Bedard, the 80 tons of debris at \$125 per ton would still have to be removed as well as the trucking to get the debris to the landfill. He added that all the Town is paying for now, \$7,000, is the amount it would have cost if Bedard had not done the work. He said Mr. Bedard gets nothing out of this, that the insurance company is taking care of Bedard's bill. Supervisor Menard said all the Town is paying is the amount for the trucking and the landfill. Councilperson Myatt read a letter from Mr. Murnane saying that the defendant, Town of Mooers, is not liable or responsible for the cost and expense of the plaintiff, Mr. Bedard. Councilperson Lavalley said the Town does not pay sales tax. Supervisor Menard said the taxes are not part of the settlement amount. Supervisor Menard read a letter from Mr. Murnane stating that "As we have discussed before, I would recommend settlement since if this proceeded to trial the carrier could withdraw the contribution of \$3,000, \$3,500 and any amount found and Mr. Bedard would have to pay the Town." He added that if the Town doesn't settle, the \$3,500 from the insurance company to help with settlement costs is going to be gone and then whatever the judge decides at trial must be paid by the Town. Councilperson Lavalley said the Town did not have a contract with Mr. Bedard. Supervisor Menard said the Town didn't have a contract with the other company that hauled out the debris and that wasn't an issue. Councilperson Lavalley added that the Board had nothing to do with it. Supervisor Menard said he didn't care if they didn't have anything to do with it, that it's still Town property. Councilperson Lavalley said they had nothing to do with it. Supervisor Menard said that's fine and they needed to take a vote. Councilperson Perras asked what Councilperson Lavalley meant by saying they had nothing to do with it. Councilperson Lavalley said the Town Board didn't have anything to do with it. Mrs. Scarlett Sample, in attendance, asked if the Board members were supposed to be representing the people. Supervisor Menard answered that he thought they were supposed to. She then asked if the Board members had checked with people about what they wanted to do in regards to paying Mr. Bedard. Councilperson Myatt said yes she had. Mrs. Sample said she had not been approached. Reverend Sally White, in attendance, said she finds the entire situation embarrassing. Someone asked if the amount being requested to settle was increasing each time. Supervisor Menard said two months ago Mr. Bedard wanted \$11,000 and the insurance company was going to pay \$2,500 leaving \$9,000 to be paid by the Town. He said that they had about \$760 in tax included and he called the lawyer to tell them that the Town does not pay tax as a municipality. He said they went back to the insurance lawyer and told them the Town doesn't pay tax and asked what else they could do. He said the insurance company agreed to pay another \$1,000. Supervisor Menard said the settlement amount is now down \$7,371 and that amount would be to settle and they would not have to argue about it every month. He added that apparently the Board does not want to do that. Mrs. Sample asked if the people in attendance could vote. Supervisor Menard said that wouldn't do any good and it wouldn't count. Mrs. Debbie Miller, in attendance, asked if someone could explain the benefits of going to court versus settling the claim. Supervisor Menard asked Councilperson Lavalley to answer the question. Councilperson Lavalley said the Town got a bill from Mr. Bedard in April 2014 for \$9,586 that with sales tax would be \$10,852. He said in January of this year, the Town received another bill for \$11,637.88. He added that's when the insurance carrier said they would pay \$2,500. Councilperson said he was unsure as to why the settlement amount kept changing. Supervisor Menard said it keeps changing because the Town attorney went back to Mr. Bedard's attorney. There were several people speaking at the same time. Councilperson Perras said what they are trying to is get this settled. He added that, in his opinion,

it's going to end up costing a lot more in just legal fees if it continues. There were several people speaking at the same time. Mrs. Myrtle Hawksby, in attendance, said the debris already went to the dump and that it needs to be paid for. Supervisor Menard said Mr. Bedard brought 80.65 tons to the dump at \$63.00 per ton for a total of \$5086.00. He added that three trucks from Three J's Fuels were hired at \$1,080.00 each, for a little over \$4,000.00 total. He said Mr. Bedard charged \$1,300.00 to load the debris. Supervisor Menard said paying the settlement amount of \$7,000.00 will pay the dump fees and the trucking which, he said, would have been paid if the other company had hauled the debris out. Councilperson Perras said it's not hard science. Supervisor Menard agreed. Mrs. Sample asked how much the other company charged per ton. Supervisor Menard said it was \$125.00 per ton to be dumped in Malone where the Town was charged \$63.00 per ton with Mr. Bedard. Supervisor Menard said he's not going to argue all night about it. He said he'd like to vote on the new proposal from the lawyer for \$7371.00. He made a motion. Mrs. Carol Cardin, in attendance, asked who will receive the settlement check. Supervisor Menard answered that the check goes to the lawyer and he assumes he will disperse it to the landfill and the trucking company. He added that he will tell the lawyer that the Town would like the landfill and trucking company to be paid first. Therefore Supervisor Menard made a motion to pay the amount requested in the new proposal of \$7,371.00 to settle the Bedard case. The motion was seconded by Councilperson Perras. The result of a Roll Call was 3 AYES (Supervisor Menard, Councilperson Perras, and Councilperson Barcomb) and 2 NOES (Councilperson Lavalley and Councilperson Myatt), therefore Supervisor Menard declared the motion carried. Councilperson Lavalley said he would like to state that he hopes this does not lead to legal action against the Town. Supervisor Menard said it will not open up any more legal action.

New Business:

Town Business 2: Supervisor Menard said the Town had received the renewal for the Worker's Comp Policy. He added that the Town's portion for the General Municipal Employees in the amount of \$39,831.00 is due July 1st. Therefore Councilperson Barcomb made a motion to renew and pay the Worker's Comp Policy. The motion was seconded by Councilperson Perras. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Menard declared the motion carried.

Town Business 3: Supervisor Menard said it is time to renew the 12 month contract for the water cooler at the Town Office Complex. He added that the price is the same as last year and the price includes automatic delivery as well as cleaning of the coolers. Therefore Councilperson Barcomb made a motion to enter into a 12 month contract with Crystal Rock. The motion was seconded by Supervisor Menard. There was some discussion. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Menard declared the motion carried. Highway Supervisor Eugene Boulerville asked if the Highway department could look into renewing with Crystal Rock, instead of the current company they are with. The Board agreed.

Town Business 4: Supervisor Menard said Mr. Tyson Dumas had spoke to him regarding the poor condition of the bathrooms at the Recreational Park off of Lavalley Road. He said the Mr. Dumas asked if they could be repaired before the Annual Roxanne Dumas/ Louanne Dragoon Soccer Tournament in September. Supervisor Menard added that Mr. Dumas said Roxanne Dumas/ Louanne Dragoon families would be willing to pay for half of the cost to do the repairs. Supervisor Menard said he would get a quote and it could be discussed next month. Therefore Councilperson Barcomb made a motion to proceed with obtaining quotes for repairing the four toilets and two sinks at the Rec. Park. The motion was seconded by Councilperson Perras. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Menard declared the motion carried.

Town Business 5: Supervisor Menard reminded the Board that he was going to speak with Mr. Kelly Donahue regarding changing the name of Missile Base Road in Champlain rather than renaming Missile Base Road in Mooers. He said Mr. Donahue informed him that there are houses on Missile Base Road in Champlain and there are no houses on Missile Base Road in Mooers. He said this makes it more convenient to change the name of the road in Mooers rather than Champlain. Supervisor Menard suggested re-naming it "Town Garage Road." Mr. Gary Cardin, in attendance, suggested honoring Highway Supervisor Eugene Boulerville for all of his hard work for the Town over the years and for building the Town Garage. He suggested renaming the road after Highway Supervisor Eugene Boulerville. There was some discussion and road name ideas mentioned. Supervisor Menard suggested the Town Board think about it and table it until next month. The Board agreed.

Town Business 6: Supervisor Menard said the Town would be inheriting a couple cemeteries. Highway Supervisor Eugene Boulerville said the Town is already in the care of Walker's Cemetery. It was mentioned that the care of these cemeteries is going to be costly. Supervisor Menard said Union Cemetery has around \$50,000.00 and Riverside Cemetery has about \$25,000.00 so there would be

money to help pay for the maintenance and insurance. Mr. Cardin said it seems that the Town is giving Mr. Boulerice more and more responsibilities and he may need to be allowed to hire another person. Supervisor Menard agreed that it is something the Board will have to discuss. There was some discussion. Supervisor Menard read, "Town Law Section 291 REQUIRES towns to maintain abandoned public cemeteries and, in some cases, assume title. Towns which refuse to accept this statutory responsibility are in violation of the State law." Councilperson Barcomb asked if the funds from the cemeteries could be used to pay Town employees to take care of the cemeteries. Supervisor Menard said he is assuming so, but is still in the process of reading the paperwork. Councilperson Perras said the funds should probably be kept in a separate account; therefore Councilperson Barcomb made a motion that the following resolution be adopted:

WHEREAS, there has been established in this Town a cemetery known as the UNION CEMETERY ASSOCIATION, INC., which association maintains a public cemetery on in Mooers Forks, Clinton County, New York, and owns real property in said Town, and WHEREAS, said association has under its care certain funds for perpetual care, permanent maintenance, special trust, general, deposited in the following banks; Community Bank N.A. WHEREAS, the association has been and still is unable to procure sufficient income from above investments, the members of the association and from the representatives of the deceased persons interred in the cemetery. WHEREAS, the cemetery association has requested that the Town of Mooers, pursuant to Section 1506(j) of the Not-for-Profit Corporation Law, accept the conveyance of the cemetery premises and transfer of assets

RESOLVED, That the Town of Mooers accept the conveyance of the cemetery premises and the transfer of the assets from the cemetery association, such conveyance shall be subject to all agreements as to lots sold and all trust, restrictions and conditions upon the title or use of the real property or assets.

The motion was seconded by Supervisor Menard. The result of a Roll Call was 5 AYES (Supervisor Menard, Councilperson Myatt, Councilperson Barcomb, Councilperson Lavalley, and Councilperson Perras) and 0 NOES, therefore Supervisor Menard declared **Resolution #21-2015** adopted.

ALSO

Therefore Councilperson Perras made a motion that the following resolution be adopted:

WHEREAS, there has been established in this Town a cemetery known as the RIVERSIDE CEMETERY ASSOCIATION, INC., which association maintains a public cemetery on in Mooers, Clinton County, New York, and owns real property in said Town, and WHEREAS, said association has under its care certain funds for perpetual care, permanent maintenance, special trust, general, deposited in the following banks; Key Bank, Community Bank N.A., and TD Banknorth. WHEREAS, the association has been and still is unable to procure sufficient income from above investments, the members of the association and from the representatives of the deceased persons interred in the cemetery. WHEREAS, the cemetery association has requested that the Town of Mooers, pursuant to Section 1506(j) of the Not-for-Profit Corporation Law, accept the conveyance of the cemetery premises and transfer of assets

RESOLVED, That the Town of Mooers accept the conveyance of the cemetery premises and the transfer of the assets from the cemetery association, such conveyance shall be subject to all agreements as to lots sold and all trust, restrictions and conditions upon the title or use of the real property or assets.

The motion was seconded by Councilperson Barcomb. The result of a Roll Call was 5 AYES (Supervisor Menard, Councilperson Myatt, Councilperson Barcomb, Councilperson Lavalley, and Councilperson Perras) and 0 NOES, therefore Supervisor Menard declared **Resolution #22-2015** adopted.

Town Business 7: Supervisor Menard said the Town received a letter from Governor Cuomo regarding the upcoming "Citizen Preparedness Program" being held at NCCS this Thursday. He said all wanting to attend must pre-register online.

Town Business 8: Supervisor Menard said the Fire Department contacted him regarding their lawn mower being broken. He said the Fire Department asked if the Town could mow the area behind the Town office Complex. Supervisor Menard said he told the Fire Department the Town would mow that area and that he asked Mr. Duprey and Mr. Malcolm Garrand to start mowing.

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

No other person was present wishing to address the board at this time.

Voucher: The Audited Vouchers to be paid off the Abstracted Vouchers on June 9, 2015 are as follows:

General - Townwide -----(Vouchers 980 - 1005)-----	\$ 46,878.65
Highway - Townwide -----(Voucher 654 - 678)-----	41,795.12
Mooers Forks Lights----- (Voucher 1002)-----	329.47
Mooers Lights -----(Voucher 1002)-----	464.79
Trust & Agency -----(Voucher 128 - 130)-----	<u>10,899.87</u>

Total of Abstracted Vouchers Paid-----\$100,367.90

Adjourn: Supervisor Menard made a motion for the meeting be adjourned. Councilperson Barcomb seconded the motion. All in favor. Thus, Supervisor Jeff Menard declared the motion carried. Meeting adjourned at 8:16PM.

Respectfully Submitted,

BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR