

Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held July 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 B. Lloyd, Town Clerk
Others Present: Kaleigh LaBombard, Dog Control Office
Eugene Boulerice, Highway Supervisor
Jacqueline Madison, Librarian

Absent: Jess Dixon, Code Enforcer

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 June 10, 2014 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 June 10, 2014 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. Supervisor Menard then requested an amendment to the Minutes of the May 13, 2014 meeting. He reminded everyone that the Board had gone into executive session that evening. He said when returning from the meeting it was announced that, by a vote, a former employee would not be receiving back pay or benefits. Supervisor Menard said, after contacting the Association of Towns, the results of the roll call vote must be included in the Minutes. Therefore the roll call vote on paying a former employee back pay and benefits was; 1 AYE by Supervisor Menard and 4 NOES by Councilperson Mary Myatt, Councilperson Steve Barcomb, Councilperson Gerald LaValley and Councilperson Cory Ross.

Highway: Highway Supervisor Eugene Boulerice reported that the Highway Department is currently working on ditches, brush and mowing the side of the roads.

Library: Mrs. Jacqueline Madison reported that the Summer Reading Program had started and will continue every Tuesday thru August 13th. Mrs. Madison said the invoice was received from S&B Construction for \$56,526.00. She added that the library has posted pictures of the progress of the new building on Facebook. Mrs. Madison said they are planning a street drive fundraiser on July 12th. She added that the Library Board will now be meeting monthly rather than bi-monthly. Supervisor Menard asked if Mrs. Madison had given S&B Construction a tax exempt form. She answered that she had not, but would make one available to them. Supervisor Menard said he looked into the street drive fundraiser and though there is nothing in the Town's Zoning Law disallowing it, it is still not permitted. He said he spoke with Sergeant Meseck, New York State Police, and he said a street drive is not permitted in a town, only in a city or a village. He said that the library could not go forward with the planned street drive fundraiser. Supervisor Menard added that the building is coming along well, that the windows and doors are on order, and it looks good.

Dog Control: DCO Kaleigh LaBombard handed in the itemized report for June 2014 which showed the following: currently three dogs in the shelter, four dogs came in from Altona, one dog from the Town of Mooers, zero dogs from Chazy, and 43 reports/ complaints were received. Ms. LaBombard said she recently had an issue with her home owners insurance and had to remove the sign for the shelter. She said the insurance company had her remove the sign because it indicated that there is a public business on the residence and was increasing her insurance rate. She said she was able to get insurance through LaBarge Agency, but that the sign still had to be removed. Ms. LaBombard added that she has been advised to get the dogs to shelters as soon as possible because it then becomes their responsibility and less of a liability to the Town.

Beautification Committee: Supervisor Menard asked if anyone from the beautification committee would like to address the board. Mrs. Crystal Bulriss reported that two of the committee's flower pots had been stolen from Main Street. Supervisor Menard said that Mrs. Scarlett Sample had asked about the proper procedures to take when spending committee funds. He said he had spoken to the town

attorney. Supervisor Menard read the e-mail received from Mr. Tom Murnane, town attorney. Supervisor Menard said that all purchases need to be authorized by the Town Board.

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. Supervisor Menard reminded everyone that the Town Historian, Mrs. Carol Nedeau wishes to retire as of September 1, 2014. Supervisor Menard said that an advertisement was placed in the paper for the position. He said three applications had been received; one from New York City, Plattsburgh, and one from Mooers. Supervisor Menard asked if the Board had read the applications and if they would like to interview the applicants. He added that as far as he knows, the Town Historian has to live within the Town of Mooers. He said he was unsure if the two applicants living elsewhere would like to relocate to the Town of Mooers. Councilperson Myatt asked if the Town should look into whether or not the position has to be filled by a resident of Mooers before making a decision. Supervisor Menard said they could wait to make a decision, but would like to make a decision as soon as possible so the person hired could start training with Mrs. Nedeau.

Fire Department: Mr. Chris Bulriss, Fire Chief, was absent, but handed in the June report. The June report contained the following: Station #1 had 9 calls, Station #2 had 0 calls, Town had 6 calls and Mutual Aid had 3 calls with an average response time of three minutes. Total of 32 Town calls to date and 46 calls over all to date. -----Incident types were MVA=1----Other= 2 (EMS assist), 2 (false alarms), 1 (oil spill). Mutual aid to Altona=1-----Champlain=1-----St. Bernard=1. Mutual Aid from NONE. Vehicle 251(Pumper) used 4 times, vehicle 252(Brush Truck) used 1 time, vehicle 253(Squad) used 2 times, vehicle 254(Pumper) used 3 times, vehicle 257(Heavy Rescue) used 4 times, vehicle 258(Tanker) used 1 time, vehicle 259(Pumper) used 1 time, and vehicle 25-AIR(Air Truck) used 0 times. Supervisor Menard gave an update on the two firemen injured last month. he said they are doing well.

EMS: Supervisor Menard asked if anyone from the beautification committee 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: There was not a Justice Fund report turned in for the month of June. Supervisor Menard said the Board had received a letter from Mrs. Crystal Bulriss, Court Clerk, requesting two fireproof filing cabinet to store the court documents properly and safely. Mrs. Bulriss was present and explained the need of the cabinets to the Board. Supervisor Menard suggested using funds in the Contingency account to pay the balance of the cabinets. He reminded everyone that Mrs. Bulriss was awarded a \$3000.00 grant to go towards the cost and is asking the Town Board for the balance of \$4600.00. Councilperson Myatt suggested that if the funds are available, it really is something the Town should purchase. Therefore Councilperson Barcomb made a motion to pay the balance of two new fireproof cabinets for the court from the Contingency account. The motion was seconded by Councilperson Myatt. The result of a Roll Call was 5 AYES(Councilperson Barcomb, Councilperson Myatt, Councilperson Lavalley, Supervisor Menard, Councilperson Ross) and 0 NOES. Motion carried.

Code Enforcement Officer: Mr. Jess Dixon was absent, but handed in his report for the month of June showing five Building Permits issued, two Certificates of Occupancy, and a total of 36 calls and three warning letters mailed. Mr. Dixon added in his report that a request for a 911 Address for the new library building had been made on June 12, 2014 as well as July 8, 2014. the request was submitted to Kelly Donahue. Supervisor Menard explained that the building cannot be insured without a 911 Address.

Old Business: Supervisor Menard gave an update on the building collapse. He said the clean-up will start on Monday, July 14, 2014. He added that the backhoe will be decontaminated on Monday and get the equipment set-up. They will start removing the debris on Tuesday. Supervisor Menard said that representatives of both the DEC and EPA met with him a few weeks ago and were discouraged that the clean-up process had not started. Supervisor Menard said he explained the situation to them and showed them the paperwork for the project. He added that they were pleased to see the paperwork and gave their stamp of approval to proceed. Supervisor Menard said the site will be cleared to the concrete floor and that the concrete would be washed. He said he would then be speaking to Highway Superintendent, Mr. Boulerice, about hauling in sand. He added that the cost of the sand would go on the tax bill as an expense of the clean-up project. Supervisor Menard said he has been told that project should be completed in four to five days. It was asked by a person in attendance if there would be a lawsuit filed by the owner of the excavator that has been left at the site. Supervisor Menard answered that he is not aware of a lawsuit, but knows there are several rumors of one. He said the owner of

excavator has his own problems. Supervisor Menard said from what he has heard from the agents for DEC and EPA, the stuff that we dumped on private property, they are going to have to clean it up. He added that he has been told that the Town is not responsible, that the Town did not put it there, so they are not responsible. Supervisor Menard said he asked what would happen to the Town once this is all said and done. He said the agent from the EPA told him to rest easy. He added that the EPA agent said that after all of the research he had done and all of the interviews that it looks like you (Supervisor Menard) tried to get all of the information possible. He said he was told by the EPA that they are going after the people that should know better like Mr. Bedard, he should have known not to put it there. Supervisor Menard said he didn't know what was going to happen, but he did know they were going to have to clean it up. He said Randy Bedard and Hough Hogle are responsible and that the Town has nothing to do with it. Supervisor Menard said that made him feel a lot better because he wasn't sure what was going to happen. Supervisor Menard said the company hired to haul the debris away called . He explained there is a \$2,000.00 filing fee imposed by New York State for the project to begin. He said the Town was charged an additional filling fee of \$2,000.00 because New York State had to come here to tag the lot. Supervisor Menard said he wrote a letter to both Janet Duprey and Betty Little regarding being charged the filling fee two times. He said it doesn't look like much can be done about the fees. Supervisor Menard said he polled the Board a couple of weeks ago about paying Earth in Motion a down payment of \$5,000.00 to start the project. He said the Board agreed and that \$50,000.00 was moved into a separate account to pay Earth in Motion \$5,000.00 as well as for future costs associated with the clearing, demolition, and rehabilitation of the site.

New Business

Town Business 1: Councilperson Lavalley asked if the Town should start looking for a new supplier of electricity. He added that the Town is currently with Direct Energy out of Texas and it is getting quite expensive. Supervisor Menard said that the Town's electric bills have increased a lot as they have for many people. He reminded everyone that there was a representative from Ambit Energy at the meeting last month and asked the Board if they were interested in going with them. He added that the budget for the electric bills for the year is pretty much spent and they should look into other alternatives. Councilperson Myatt asked if other area Towns had Ambit Energy. Councilperson Ross said the Town of Altona goes through Ambit Energy and added that he believes their bill eventually increased. He said he would ask to see copies of their bills to verify. Councilperson Barcomb added that, when they were in New York City, they were made aware of a few companies that have special rates for Townships.

Public Comment 1: A gentleman in attendance said he heard that Code Enforcement Officer, Mr. Jess Dixon, is working for the Town of Altona as well. Supervisor Menard said Mr. Dixon had not said anything to him about it. The gentleman added that, if this is true, the Town of Altona should pay for part of the books Mr. Dixon is purchasing. Councilperson Lavalley explained that Mr. Dixon is temporarily helping the Town of Altona because their Code Enforcement Officer recently quit. He added that it is his understanding that Mr. Dixon has no intention of making it a permanent situation. Supervisor Menard said he didn't even know that Mr. Dixon was working there. Supervisor Menard said he would contact the Town of Altona Supervisor. The same gentleman said he works with the JCEO in Altona and he saw Mr. Dixon in Altona. He said that Mr. Dixon should have let Supervisor Menard know. He also said that Mr. Dixon needs to make sure he is taking care of the people of Mooers first.

Public Comment 2: Mr. Harry Gonyo said, as being part of the Zoning Board Appeals, he has four people approach him lately saying that the Town is looking bad and that it is time to clean the place up. Supervisor Menard agreed.

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

General - Townwide -----(Vouchers 634 - 664, 670)-----	\$ 51,341.97
Highway - Townwide -----(Voucher 388 - 411)-----	50,318.84
Mooers Fire Protection -----(Voucher 665 - 669)-----	37,037.44
Mooers Forks Lights -----(Voucher 663)-----	333.71
Mooers Lights -----(Voucher 663)-----	564.45
Trust & Agency -----(Voucher 95 - 97)-----	<u>10,372.57</u>

Total of Abstracted Vouchers Paid-----\$149,968.98

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

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 7:36 PM.

Town Business 2: Supervisor Menard re-opened the meeting to discuss paying Mr. Randy Bedard. He said Mr. Bedard had approached him about payment. Supervisor Menard said the total bill is for \$9,586.00 owed to Mr. Bedard that has been due since April. He said \$5,086.00 is for the dumping fees. He asked what the Board's thoughts were on paying Mr. Bedard. Councilperson Myatt said her question is, if the Town pays Mr. Bedard, will the Town be liable. Supervisor Menard answered no, not according to the EPA agent he spoke with. There was some discussion. Supervisor Menard said his agreement with Mr. Bedard was the debris was going to the Clinton County landfill. He added that the Town has invoices for over 80 tons going to the landfill. Supervisor Menard said the rest of the bill is: \$1,300.00 (\$100/load for 13 loads) to Mr. Bedard, \$1,080.00 to Three J's Fuels, \$1,080.00 for a different dump truck, and \$1,040.00 for another dump truck. Supervisor Menard said the EPA agent did not say anything about fining Mr. Bedard, just that he would be responsible for what he dumped up there. He added that cleaning that up would be a big enough expense as it is. It was asked if the Town would have to pay for that. Supervisor Menard answered no. He said he asked that and was told that Mr. Randy Bedard and Mr. Hough Hogle are responsible for that. He added that Mr. Bedard dumped it there and that Mr. Hogle allowed him to dump it there. There was some discussion. Supervisor Menard explained that the it was the Department of Labor, not the Town, that had Mr. Bedard leave his equipment at the site. He added that, if Mr. Bedard wanted to, he could have hired someone to decontaminate it and get it out of there, but he chose not to. Supervisor Menard said he would see what the lawyer recommends. He added that the longer the Town waits to pay, Mr. Bedard is getting more upset. There was some discussion. Supervisor Menard said he will be in contact with the attorney and the Board could decide form there. The Board agreed.

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 7:45 PM.

Respectfully Submitted,

BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR