

Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held July 9, 2013 at the Mooers Office Complex commencing at 7:00P.M.

Present: Cory Ross, Supervisor
Earl Robinson, Councilman
Steve Barcomb, Councilman
Eugene Bushey, Councilman
Gerald LaValley, Councilman

Recording Secretary: Brandi Lloyd, Town Clerk
Others Present: Kaleigh LaBombard, Dog Control Officer
Jackie Madison, Librarian
Eugene Boulерice, Highway Supervisor
Jess Dixon, Code Enforcement Officer
Jim Coffey, attorney

Absent: none

Meeting: Supervisor Cory Ross 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 11, 2013 Minutes. They all replied yes. Supervisor Cory Ross then asked if there were any omissions or corrections, there were none. Councilman Eugene Bushey then made a motion to accept the June 11, 2013 Minutes as written and Supervisor Cory Ross seconded the Motion. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Cory Ross declared Minutes accepted as written.

Highway: Highway Supervisor Eugene Boulерice requested that the Town Board consider purchasing a tilt bed trailer to safely transport the skid-steer loader. A 16 foot trailer would cost approximately \$7,000.00. An 18 foot trailer would cost approximately \$8,000.00, but Mr. Boulерice believes the 16 foot trailer would be large enough.

Fire Department: Mr. Raymond Phair, Fire Chief, handed in the June report. June's report contained the following: Station #1 had 7 calls, Station #2 had 1 call, Town had 5 calls and Mutual Aid had 2 calls. ----Incident types were Power Lines=4----MVA=1. Mutual aid to Champlain=1----Rouses Point=1. Mutual Aid from NONE. Vehicle 251(Pumper) used 2 times, vehicle 252(Brush Truck) used 3 times, vehicle 253(Squad) used 1 time, vehicle 254(Pumper) used 1 time, vehicle 257(Heavy Rescue) used 4 times, vehicle 258(Tanker) used 0 times, vehicle 259(Pumper) used 0 times, and vehicle 25-AIR(Air Truck) used 2 times. Gallons of diesel fuel used and gallons of gasoline used not reported.

Dog Control: DCO Kaleigh LaBombard reported that she currently has two dogs in the shelter. In addition to the itemized report for June 2013, Ms. LaBombard handed in a yearly report reflecting that 84 dogs had been picked up from January 8, 2012- July 6, 2013. A total of 44 dogs were picked up in the Town of Mooers, one in the Town of Ellenburg, 12 dogs in the Town of Chazy, and 27 in the Town of Altona. Of these dogs, 53 were adopted, 14 were transferred, one died, 11 were redeemed, and one ran away. Councilman Robinson asked if the contract with the Town of Altona stated how many dogs the Town of Mooers DCO would pick up. Supervisor Ross said he would look into this. Ms. LaBombard will be leaving for a two day vacation Aug. 9 and returning August 11. A family member will take care of the shelter and answer the DCO phone. Lionel Peryea (Altona DCO) will pick up and dogs during this time. Ms. LaBombard will also be going away in September 5- September 7 and a family member will be taking care of the shelter and answering the DCO phone. Mr. Peryea will be getting back to her in regards to covering for in September. Ms. LaBombard handed in the itemized report for June 2013 which showed the following: 06/03/13 Dog was seen running on Route 22 near Lover's Lane, went to Route 22, but did not see any loose dogs- 06/07/13 Call from Ellenburg looking for information to the Ellenburg DCO, says called her many times but she does not answer, she wanted to know if I could help her, I referred her to Ellenburg Town Hall- 06/11/13 Aaron Bechard, 6 Herrick Road Mooers, called, he witnessed neighbor beating his dog, wasn't sure of a name and said he would get the address, referred him to Elmore SPCA as they can contact the proper authorities for animal abuse- 06/12/13 Steven DaVenport, Route 22 Mooers, called yelling saying I was useless and that he would shoot the dog then me, said the dog comes over and pees on his fence, does not know who owns the dog, I asked him to calm down or I would call the police, he continued swearing and yelling and hung up, I reported it to police- 06/14/13 Sherrill Lamue, 156 Big Hill Road Mooers Forks, called stating that Julie Lamberton's dog is frequently in the road, she asked that I ask Julie to keep her dog out of the road, I left a message

for Julie letting her know that if I receive further complaints a ticket will be issued- 06/17/13 call from Jamie Litchenburger, Chazy, reporting a missing Walker Coonhound on Ridge Road, dog was found- 06/19/13 Don Cardin, Blackman Corners Road Mooers, called stating that neighbor, Bill Taftner, has a black lab that got loose and ran over to her house, she called the owner and he took 10 minutes to get the dog which had urinated all over her yard and got her dogs "riled up", she says this happens every six months and she is sick of it, I spoke to Mr. Taftner, who has MS, he said his dog broke his chain, apologized, I gave him a warning and recommended that he try something else when his dog is outdoors- 06/22/13 Call from Emery Road, Mooers, two small dogs found, picked up, and transferred to Precious Pups Animal Rescue- 06/24/13 Call from Route 22 Chazy, missing black lab, 7 months old, dog found- 06/24/13 Call from Ratta Road Chazy, missing cocker spaniel, dog found- 06/25/13 Chazy, mailed out delinquent dog reports- 06/25/13 Elijah LaForge, Route 22 Mooers, found a female Maltese died pink over a week ago, asked if anyone reported one missing, no reports, he kept the dog- 06/25/13 Candy Cotta, 386 Clark Street West Chazy, called and said she found a dog on her porch and tied it up, I picked the dog up and posted on Facebook where I found the dog actually belonged to Ms. Cotta, I called her and made her come pick up her dog as well as pay the \$10.00 fine, she called the next day and said she would be finding another home for the dog- 06/26/13 Dog found on May 27, 2013 was adopted by Kenneth of Rouses Point- 06/28/13 Call from Decoste Dairy, Mooers, found female Siberian husky, picked up and brought to shelter- 06/29/13 Call from Monty's bay Campsite, Chazy, found a male beagle, picked up and brought to shelter, dog ran away on June 30, 2013, had since been found and reunited with owner- 06/29/13 Jeffery Well, 87 Baker Road Chazy, found a male shep-lab mix dog, picked up and brought to shelter, dog adopted on July 9, 2013.

Code Enforcement Officer: Mr. Jess Dixon handed in the Building Permit report for the month of June 2013. Mr. Dixon reported that last month there were a total of eight building permits issued, three Certificates of Occupancy and 44 calls. Mr. Dixon talked about Meth Lab Remediation and how the Town should handle this. He said he spoke to the Town's attorney, Mr. Coffey, as to if the Town should have a local law in place or pass a resolution in regards to the clean-up of the Meth lab and who the Town would employ to carry out such services.

Library: Jackie Madison reported that the library has secured a construction grant in the amount of \$30,476.00. Mrs. Madison noted that the library had its busiest day of the summer recently and that the summer reading program in conjunction with the summer nutrition program is well underway. She added that she is looking forward to having a kitchen in the library to expand the nutrition program in the future. Mrs. Madison asked that the light pole be checked. She has replaced the light bulb, but it is still not working. She also asked that the air conditioning unit be cleaned as it is not generating the amount of cool air it should be. Mrs. Evans reported that she spoke the Vassar family and ask them to let their father know he could take town the woods on the School Street property. Mrs. Madison said she has been receiving many inquiries about the new library. Supervisor Ross discussed that he learned today that the Town would be able to purchase the parcel adjacent to the property on School Street. He added that the process would take some time, but it is looking good. Supervisor Ross thanked Mr. Madison for her work on successfully getting the grants for the library. Mrs. Madison thanked the Board as well. She also thanked Mr. Dixon for contacting NYSEG.

Letter from State Comptroller: Supervisor Ross discussed the letter received from The State of New York Comptroller's office. Supervisor Ross said the Town of Mooers was selected for a financial audit. He added that there were not yet any specifications as to what years were being audited. He said they should be coming to the Town office within the next few weeks.

NYSEG Solutions: Supervisor Ross discussed the Town of Mooers has used NYSEG Solutions for electricity in the past, but they have recently been bought out by Direct Energy. Direct Energy's costs are more expensive than those of NYSEG Solutions. Supervisor Ross said the Town could go through NYSEG or look into other companies. He noted that there is a 100% Wind Energy company, from the windmills in New York State, available with competitive rates. He asked the Board for their opinion. Supervisor Ross said the wind energy company would be looked into further, but that the Town should not stay with Direct Energy.

Letter from NCCS: Supervisor Ross read and discussed the letter from Ms. Kelly Cooper, NCCS School Guidance Counselor and Advisor to the Middle School's Builders Club. In the letter Ms. Cooper discussed the club and their work, one being various fund raisers they hold throughout the school year. The Club then chooses organizations to donate the funds and they chose to donate \$200.00 to the animal shelter in Mooers. Ms. LaBombard said she will be sending the Club a thank you letter. At this time, Ms. LaBombard asked the Board if she could hold a fund raiser similar to last year, including a bottle drive, at the VFW. She said she would like to raise enough money to purchase a new structure for the shelter. The Board agreed to the fund raiser.

Letter from Progressive: Supervisor Ross noted that a check in the amount of \$104.00 had been received from the Progressive Insurance Company to replace a sign hit by a car driven by one of their customers. Mr. Boulerice said he will order the "Garrand Road" sign to replace the one destroyed in the accident.

Move Money: 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 supervisor; therefore Councilman Robinson 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

\$2,100.00 from Special Items- Property- Contractual SF1-1910.4 to Employee Benefits- Worker's Comp SF1-9040.8

\$1,700.00 from Payments on Fire Control- Contractual SF1-3410.4 to Machinery- Contractual SF1-5130.4

\$9,000.00 from Special Items- Contingency SF1-1990.4 to Machinery- Contractual SF1-5130.4

The motion was seconded by Supervisor Ross. The result of a Roll Call was 5 AYES (Supervisor Cory Ross, Councilman Robinson, Councilman Barcomb, Councilman Lavalley, and Councilman Bushey) and 0 NOES, therefore Supervisor Cory Ross declared **Resolution #031-2013** adopted.

Library 2: Town Board of the Town of Mooers has determined that it is necessary for the Town to construct a new Town Library for its residents and the necessary expansion of the facilities; and the Town Board has determined that the parcels of real property located at 2474 Route 11 in the Town (Tax Map No. 30.20-1-22) may be suitable for the construction of a new Town Library; therefore Councilman Bushey made a motion that the following be adopted:

BE IT HEREBY RESOLVED THAT THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR OF THE TOWN OF MOOER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF THE PARCEL OF REAL PROPERTY LOCATED AT 2474 ROUTE 11 IN THE TOWN (TAX MAP NO. 30.20-1-22) FOR THE PRICE OF \$10,000.00, CONTINGENT UPON AVAILABILITY OF SATISFACTORY FUNDING, PASSAGE OF THE PERMISSIVE REFERENDUM PERIOD REQUIRED UNDER LAW WITHOUT PETITION FOR A PERMISSIVE REFERENDUM, THE PROPERTY TAXES BEING PAID IN FULL AND ALL OTHER CONTINGENCIES CONSIDERED NECESSARY BY THE ATTORNEY FOR THE TOWN. THIS RESOLUTION SHALL BE SUBJECT TO A PERMISSIVE REFERENDUM, AS REQUIRED BY SECTION 220 OF THE TOWN LAW

The motion was seconded by Supervisor Ross. The result of a Roll Call was 5 AYES (Supervisor Cory Ross, Councilman Robinson, Councilman Barcomb, Councilman Lavalley, and Councilman Bushey) and 0 NOES, therefore Supervisor Cory Ross declared **Resolution #029-2013** adopted.

Highway 2: The Highway Superintendent of the Town of Mooers has solicited sealed competitive bids for anew Skid-Steer Loader said bids being returnable to the Town Clerk's Office by 12:00pm on June 18, 2013, to be publicly opened and read at 7:00pm that same date, and Bobcat of Plattsburgh duly submitted such a bid at said time and place in the amount of \$28,148.00, and the Highway Superintendent has reviewed the specifications of the Skid-Steer Loader bid and compared the same to the bidding specifications, and the Highway Superintendent has duly recommended the purchase of said Skid-Steer Loader; therefore Councilman Bushey made a motion that the following be adopted:

BE IT HEREBY RESOLVED THAT THE HIGHWAY SUPERINTENDENT OF THE TOWN OF MOOER IS HEREBY AUTHORIZED TO PURCHASE SAID SKID-STEER LOADER FOR THE MAXIMUM PURCHASE PRICE OF \$28,148.00, TO BE DELIVERED TO THE TOWN GARAGE, AND TO BE DELIVERED WITHIN 30 DAYS AFTER RECEIPT OF SAID ORDER

The motion was seconded by Supervisor Ross. The result of a Roll Call was 5 AYES (Supervisor Cory Ross, Councilman Robinson, Councilman Barcomb, Councilman Lavalley, and Councilman Bushey) and 0 NOES, therefore Supervisor Cory Ross declared **Resolution #030-2013** adopted.

Zoning Board: Due to the recent resignation of a member, the Town of Mooers must appoint a new member to the Zoning Board Committee, and The Town of Mooers appoints Jane Hitchcock as a new member to the Zoning Board Committee in the place of Gary Provencha, serving the remainder of his appointed time until 2014; therefore Councilman Robinson made a motion that the following be adopted:

BE IT HEREBY RESOLVED THAT JANE HITCHCOCK BE APPOINTED FOR THE ZONING BOARD COMMITTEE UNTIL 2014

The motion was seconded by Councilman Barcomb. The result of a Roll Call was 5 AYES (Supervisor Cory Ross, Councilman Robinson, Councilman Barcomb, Councilman Lavalley, and Councilman Bushey) and 0 NOES, therefore Supervisor Cory Ross declared **Resolution #032-2013** adopted.

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

Public Comment 1: A question was asked as to where exactly the property the Town would like to purchase for the new library is located. Supervisor Ross advised that it is the parcel on Route 11 where the house had burned down a few years ago. He added that the property is adjacent to the land the Evans family donated to the Town for the new library. Supervisor Ross also mentioned that purchasing the land on Route 11 would give access to a septic, access to the library from Route 11, as well as provide more space for the library.

Fire Department 2: Mr. Menard asked if there were plans to take care of the bare area of lawn where the Labor Day events will soon be held. Supervisor Ross answered that the area would be repaired with dirt and seed.

Public Comment 2: Councilman Robinson made a motion that all future use of the property, located at 2508 Route 11 Mooers, that the Fire Department facilities and Town Offices are on, be used strictly for the Mooers Volunteer Fire Department. Councilman Robinson mentioned this would be a way to avoid bickering among town members as to who or what the land is supposed to be used for. Councilman Bushey seconded the motion. Supervisor Ross added, before the vote was taken, that he would vote "no" only to avoid the Town being in a position in the future where the Town or the Town Court would possibly need to expand or use the property in a different manner and not be able to do so. The point was then made if the motion could possibly be modified to allow for discussion between the Fire Department and the Town before use of or changes to the property are made. There was then discussion as to what the process would be to resolve an issue where either party, the Town or the Fire Department, happened to disagree as to the use of the property. There was a question as to "who" owns the property. Supervisor Ross said he learned that the Town owns the land, but the Fire Department raised the bulk of the money to purchase the land. There was some discussion about how it came about that the Town owns the property. Mrs. Myrtle Hawksby explained that, as a Fire Department and due to liability, they are not allowed to own the land. She added that the Fire Department gave the Town the money to purchase the property, therefore the Town owns the property. A question was then raised regarding a situation where an agreement could not be reached between the Town and the Fire Department. Mr. Coffey addressed that, if indeed a disagreement occurred, it could ultimately go to court. Mrs. Scarlet Sample asked if, in the case of a disagreement, the issue could go to a public vote to decide. It was added that one issue that could be problematic in making the use of the property that solely of the Fire Department, would be if the State mandated that the Town Offices or the Town Court facilities be updated or changed. After further discussion, it was then discussed to alter the motion to state that all future use of the property, located at 2508 Route 11 Mooers, that the Fire Department facilities and Town Offices are on, be used strictly for the Mooers Volunteer Fire Department and that any other use would be discussed with the Fire Department prior to

action being taken and that it is understood that any and all State mandates would have to be honored by both the Town and the Fire Department. Councilman Robinson agreed to the modifications to his original motion; therefore Councilman Robinson made a motion that the following resolution be adopted:

BE IT HEREBY RESOLVED THAT ALL FUTURE USE OF THE PROPERTY, LOCATED AT 2508 ROUTE 11 MOOERS, WHERE THE MOOERS VOLUNTEER FIRE DEPARTMENT FACILITIES AND THE TOWN OF MOOERS OFFICES ARE SITUATED BE USED STRICTLY FOR THE MOOERS VOLUNTEER FIRE DEPARTMENT AND THAT ANY OTHER USE WOULD BE DISCUSSED WITH THE FIRE DEPARTMENT PRIOR TO ACTION BEING TAKEN AND THAT IT IS UNDERSTOOD THAT ANY AND ALL STATE MANDATES WOULD BE ACCEPTED WITHOUT QUESTION BY BOTH THE TOWN AND THE FIRE DEPARTMENT

The motion was seconded by Councilman Bushey. The result of a Roll Call was 5 AYES (Supervisor Cory Ross, Councilman Robinson, Councilman Barcomb, Councilman Lavalley, and Councilman Bushey) and 0 NOES, therefore Supervisor Cory Ross declared **Resolution #033-2013** adopted.

Public Comment 3: A question was asked if, before the property on Route 11 was purchased for the library, it had been approved to have a driveway. Supervisor Ross answered that there is currently a driveway on the property. Supervisor Ross said that School Street access could be used and that the well and septic would still be useable. It was then discussed if the septic system was adequate. Supervisor Ross explained that the septic is relatively new and Mr. Dixon said he would look into the septic system further.

Vouchers: The Audited Vouchers to be paid off the Abstracted Vouchers on July 9, 2013 are as follows:

General - Townwide-----	(Vouchers 177 - 202)-----	\$ 41,811.46
Highway - Townwide-----	(Voucher 113 - 1268)-----	9,076.32
Mooers Fire Protection -----	(Voucher 198 Voucher 203-206)-----	3,995.67
Mooers Forks Lights-----	(Voucher 198)-----	424.91
Mooers Lights -----	(Voucher 198)-----	<u>739.00</u>
Total of Abstracted Vouchers Paid-----		\$56,047.36

Adjourn: Councilman Barcomb made a motion for the meeting be adjourned. Supervisor Ross seconded the motion and the result was 5 AYES (Supervisor Cory Ross, Councilman Earl Robinson, Councilman Eugene Bushey, Councilman Steve Barcomb and Councilman Gerald LaValley) and 0 NOES. Thus, Supervisor Cory Ross declared motion carried. Meeting adjourned at 7:33 PM.

Respectfully Submitted,

BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR