

**Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held August 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 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 July 8, 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 July 8, 2014 Minutes and Councilperson LaValley 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 reported that the Highway Department will start paving next week. He said they are working on St. John's Road and work is planned on Grew Road, Lambertson Road, Bush Road, and Gero Road. He added that work on the shim of Barcomb Road is scheduled and that they are hoping to do the top coat next year. Highway Supervisor Boulerice said they are currently doing ditch work as well as pulling brush. He added that the CHIPS money had been received.

**Library:** Mrs. Jacqueline Madison reported that the library had received an anonymous donation of \$2,000.00. She also said that a teenager has offered to volunteer for the month of August. Mrs. Madison then thanked the Board for their official address of 25 School Street. She said, during the Summer Reading Program, one participant had read 28 books and that she will be receiving a backpack full of school supplies. Mrs. Madison said the library signed up for ESL, an adult literacy program. She said, with this program, they will be able to provide a button online on their computers to provide audio for adults. She added that she has been receiving calls from individuals in the community asking when the new library would be opening and what the hours of operation would be. Mrs. Madison reported that, as of July 1st, all libraries must comply with the, "conflict of interest policy." Mrs. Madison asked if the doors of the new library building could be looked at because they are different colors. Supervisor Menard said that Mrs. Evans had inquired about a joint meeting between the members of the Town Board and those of the Library Board. He added that he is working on a date to meet.

**Dog Control:** DCO Kaleigh LaBombard handed in the itemized report for July 2014 which showed the following: currently 12 dogs in the shelter, one dog came from Altona, two dogs from the Town of Mooers, one dog from Chazy, 29 dogs from the Town of Ellenburg, and 26 reports/ complaints were received. Ms. LaBombard requested an extension on the phone at the Town Offices and turn off her work phone. She explained that she is having people stopping by her house at all hours of the day and throughout the week. She added that she would be willing to have hours on possibly Thursdays for people to come see the dogs in the shelter. Supervisor Menard asked if this would be just for the shelter. Ms. LaBombard said Thursdays would be for the shelter, but for Dog Control she is looking to come to the Town Offices three days a week Monday - Friday to check messages and do paperwork. She added that she would like to be able to check message from home. Ms. LaBombard said the sheriff's department for emergencies. There was some discussion. Supervisor Menard asked for input from the Board. Councilperson Barcomb and Councilperson Ross said they agree that Ms. LaBombard needs to set some boundaries. There was some discussion. Councilperson Ross made a motion to look into setting up a phone for the Dog Control Officer at the Town Office. 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. Motion carried.

Mrs. Myrtle Hawksby suggested that Ms. LaBombard publish her new hours of availability and the phone number in the newspaper. Supervisor Menard said it would be posted on the Town website.

**Beautification Committee:** Supervisor Menard asked if anyone from the beautification committee would like to address the board. Mrs. Myrtle Hawksby said the committee would like to get permission from the Town Board to clear some broken limbs and dead trees from the area right when you enter into the Town of Mooers on Route 22. Supervisor Menard said that there is grant money available to towns within the Chazy River. He added that he is waiting to see what the grant entails. Supervisor Menard said some of the grant funds could possibly go towards updating the Town's Zoning and possibly use the remaining funds to add picnic tables near the river or possibly a bike path near Fee Road. Supervisor Menard asked if anyone had some other ideas to please let the Town know.

**Youth Program:** Supervisor Menard asked if anyone from the youth program would like to address the board. No person was present from 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 said Mrs. Rena Bosley researched the position of the Town Historian and found that no precedence had been set regarding the hiring of individuals living within or not within the Town of Mooers and no real set of qualifications. He added that the decision on whom to hire is that of the Board. Supervisor Menard reminded the Board of the three applications that had been received. He said his choice is Mrs. Jennifer Bulriss of Mooers and that he would like to hire someone living in the Town. The Board agreed. Councilperson Barcomb a motion to appoint Mrs. Bulriss to the position of Town Historian. 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. Motion carried. The new appointment is to begin on September 1, 2014 at the current salary. Supervisor Menard said he is sorry to see Mrs. Carol Nedeau leave after being the Town Historian for 25 years. He said she has done a great job and has been a great asset to the Town. He added that he wishes her the best. Supervisor Menard said that Mrs. Nedeau has offered to train Mrs. Bulriss.

**Fire Department:** Mr. Chris Bulriss, Fire Chief, handed in the July report. The July report contained the following: Station #1 had 6 calls, Station #2 had 0 calls, Town had 4 calls and Mutual Aid had 2 calls with an average response time of 3.5 minutes. Total of 52 calls to date. -----Incident types were Power Lines=2----MVA= 2. Mutual aid to Altona=1-----Other=1(Alburgh). Mutual Aid from NONE. Vehicle 251(Pumper) used 4 times, vehicle 252(Brush Truck) used 0 times, vehicle 253(Squad) used 0 times, vehicle 254(Pumper) used 1 time, vehicle 257(Heavy Rescue) used 3 times, vehicle 258(Tanker) used 0 times, vehicle 259(Pumper) used 0 times, and vehicle 25-AIR(Air Truck) used 1 time. Mr. Bulriss said the new brush truck is in and almost completed. He added that they are getting ready for the Labor Day celebration to be held on Sunday, August 31, 2104. He said that the annual Fire Department picnic is planned for this Sunday and that it will be special as they will be celebrating Mr. Hawksby's 50 years as a member of the Mooers Volunteer Fire Department. All in attendance applauded.

**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. Supervisor Menard said he spoke with Mr. Roger Favreau regarding the building in Champlain. He added that Mr. Favreau said they are having a difficult time getting a clear deed to property in Champlain, but they will continue to work on it. A report was not submitted by EMS.

**Court:** The Justice Fund report for June showed total receipts of \$15,009.00 with \$9247.00 going to the State, \$222.00 to the County, and \$5540.00 to the Town of Mooers. The Justice Fund report for July showed total receipts of \$17,271.00 with \$10,392.00 going to the State, \$578.00 to the County, and \$6301.00 to the Town of Mooers.

**Code Enforcement Officer:** Mr. Jess Dixon was absent, but handed in his report for the month of July showing 12 Building Permits issued, two Certificates of Occupancy, and a total of 39 calls. Supervisor Menard said he and Councilperson Lavalley attended the Zoning Board meeting last Wednesday and that they discussed the state of the properties in town. He added that Mr. Dixon is going to start sending notice letters out the property owners. He said the problem with notices is that they get sent out, but there is often no action for the property owners due to the lack of ramifications for non compliance. Supervisor Menard said he spoke with some area towns and that some of them send out notice and they have a 30 day notice policy. He added that if the property is not cleaned up within 30 days, there is either a fine or the Town cleans the property and bills the owner. Supervisor Menard said he would like the Town of Mooers to come up with a policy as to how to proceed when a property owner does not comply when they have received a notice letter from the Town. Councilperson Lavalley asked if that sort

of policy would fall under Zoning Law. Supervisor Menard said no, that he has a call into the Town attorney, Mr. Murnane. He added that this sort of policy would be a resolution or possibly a Town Law. Councilperson Barcomb asked if there was already something similar in place already. Supervisor Menard said no. He explained that he would like to see a policy were the Town would possibly handle the clean-up if the owner did not comply. Supervisor Menard said then the cost of the clean-up and hauling any debris away would be billed to the property owner. He added that the legalities would have to be looked into before proceeding. It was asked what would be considered garbage. Councilperson Ross agreed and said it could be a problem with deciding exactly what is considered trash by one person, but possibly not by another. Supervisor Menard said he would look into it more, speak with Mr. Murnane to make sure it is handled legally. Councilperson Myatt asked who Supervisor Menard had discussed the possible policy with. Supervisor Menard said he had spoken with the Town of Champlain, Mr. Larry Barcomb. It was asked what could be done with abandon homes or those that are about to fall down. Supervisor Menard said even though they are vacant, the owner is still responsible to keep up the property. Councilperson Myatt asked if there was a policy in place regarding this in the Zoning Laws. Supervisor Menard answered that as far as he knew, there was not. He asked Mr. Orville Nedeau if there is anything in the Zoning Law covering this. Mr. Nedeau said no. Supervisor Menard added that there is not policy on how to proceed after a 30 day notice has been sent. Councilperson Ross mentioned that the Board needs to take into consideration that some people, an elderly person for example, may not be able to afford to pay to have the property cleaned. He asked what would happen in that case. Mr. Harry Gonyo agreed that the Town needs to be proactive before the situation gets worse. Supervisor Menard said the topic would be brought up again next month to discuss how to proceed.

**Old Business:** Supervisor Menard gave an update on the building collapse. He said that the building has been cleaned-up. He said just a gasoline tank that was discovered remains on the property. Supervisor Menard added that he called the DEC last week on how to handle the removal of the tank. He said he was told that, since the tank is smaller than 1,100 gallons, the DEC did not need to be involved. Supervisor Menard said he has been in contact with a couple of companies to come and drain the tank, steam wash it, and cut the tank for scrap. He said a company from Massena estimated the job at around \$4,900.00 and a company from Williston, Vermont said it would cost about \$2,800.00. Supervisor Menard said he called the company from Vermont and they are pretty booked. He said he is waiting to hear back on a date. Councilperson Ross asked if there was any reason why the Town could remove the tank themselves. Councilperson Myatt asked if the ground had to be monitored. Supervisor Menard said the tank had to be drained and since it is considered hazardous material, it has to be handled a certain way. Highway Supervisor Boulerice asked how much gasoline was in the tank. Supervisor Menard said they estimated about 50 gallons to be in the tank. Highway Supervisor Boulerice said he could call the company that cleans out the tanks at the garage to see what they would charge. Supervisor Menard said once the tank is drained, it is up to the Town as to what to do with the tank. Councilperson Myatt asked if that company would check the ground for any leaking and monitor it. Supervisor Menard said he was told by the DEC that as long as it is under 1,100, they don't care. He added that the DEC said just to give them a call when the tank is going to be removed and they would send someone out to make sure it is done the right way. Supervisor Menard said it does look like the tank has leaked. He added that the ground around the tank had been checked by the company doing the air monitoring and it showed nothing. Supervisor Menard said 772 tons of debris were hauled to the Franklin County landfill and the landfill bill is \$61,763.00. Supervisor Menard said that the total bill for the building collapse clean up so far with Luck Brothers knocking the building down, Bedard Excavating, Earth in Motion, all the trucking, and the variance is just below around \$156,000.00. He added that a total 852.69 tons of debris had been removed. Supervisor Menard said as soon as the tank is removed the hole will be filled in and probably some grass seed. Councilperson Myatt asked if a permit was required to remove the gasoline tank. Supervisor Menard said he was told no when he asked DEC, because the tank is smaller than 1,100 gallons. He added that, if the tank were larger, there would be a \$100.00 fee plus an additional \$100.00 fee for each year the tank was on the property. A question was asked if legal actions were being taken regarding Mr. Bedard's equipment that had been left on the property. Supervisor Menard said not as far as he knows. He added that Mr. Bedard could have removed the equipment. Supervisor Menard said all he has to do was decontaminate it and he would have been allowed to remove it. Supervisor Menard asked for a motion to pay the bills for the clean-up of the collapsed building. He said the only bill that had been paid so far was Earth in Motion for \$25,000.00. It was asked if the EPA was going to be able to help with the cost. Supervisor Menard said he has called the gentleman three times and has never heard back from him. Supervisor Menard said the Town also has Bedard Excavating to pay. He said he had tried to get in touch with Mr. Murnane, but he has not returned the calls. Councilperson Myatt said Mr. Murnane is on vacation. She added that the last time the Board spoke with Mr. Murnane, they advised them to hold off on paying Mr. Bedard. Supervisor Menard said the longer the Board goes without paying Mr. Bedard he will have to take legal action to get paid and possibly go after the sitting of the equipment. He added that the longer the Board waits the

more upset Mr. Bedard is getting. Supervisor Menard said the Town is going to have to pay Mr. Bedard anyway. A person in attendance said if you are going to pay everyone else you might as well pay him too. Councilperson Myatt said that the Town never had a signed contract or anything with Mr. Bedard. Supervisor Menard said that the Town does not have a contract with the other companies or trucking companies either. He added that the only one the Town has a contract with is Earth in Motion. Councilperson Myatt said yes, but Earth and Motion has a contract with the trucking companies. Supervisor Menard said no, they had nothing to do with the trucking, that the trucking was the Town's responsibility. Supervisor Menard asked if the Board was going to pay the bills, roughly \$130,000.00. Councilperson Myatt said that she does not agree with paying Mr. Bedard, but agrees to paying the others. Councilperson Ross asked if they could make a motion to pay all the bills regarding the clean-up of the building collapse, but not those to Mr. Bedard. Councilperson Barcomb said the bill from the landfill where Mr. Bedard brought the debris should be paid as well. Supervisor Menard said that was \$5,086.00 to the Clinton County landfill, which was 80 tons at \$63.00 per ton. Councilperson Lavalley said the Board should hold off on paying Mr. Bedard because the Town attorney advised them to wait. Supervisor Menard said that the longer we wait, there is more of a chance of being sued. He added that if Mr. Bedard has to fight for his money he is going to go after more. Councilperson Myatt asked how Mr. Bedard could sue the Town if there is not a contract. Supervisor Menard said he did the work. Councilperson Myatt said he had no contract with the Town to do the work. A gentleman in attendance said the Board hired Mr. Bedard, right? Supervisor Menard said it was his word. The Gentleman asked if that was a binding contract. Supervisor Menard answered that he didn't know if it was a binding contract or not. Mr. Cardin said it depends what the Town's word is. Mr. Cardin said the Town Board's word should be worth something. He added that the Board is making the Town look bad and that if the Board hired Mr. Bedard, they should pay him. Supervisor Menard agreed. Mr. Cardin said it is time for the Board to quit messing around and to do the job they were hired to do. Councilperson Myatt said that is what she is doing because she has people telling her that they don't think the Board should pay Mr. Bedard. Councilperson Ross said that the Town lawyer said the Board should hold off on paying Mr. Bedard. Supervisor Menard said he hired Mr. Bedard and that he'll pay the bill. He added that his word is good and if he tells you something it is true and he is not going to go back on his word. Supervisor Menard asked for a motion to pay the bills. A person in attendance said to Supervisor Menard that he should not have to pay the bill. Supervisor Menard agreed, but said that it has been going on since March. The person agreed that this has been going on too long. Mr. Orville Nedeau asked if there were itemized invoices for all of the work Mr. Bedard completed. Supervisor Menard said yes, he had itemized bills for a total of \$9,586.00 with \$5,086.00 going to the landfill and the rest is for the trucking and the excavator work. Mrs. Myrtle Hawksby said for about \$4,000.00 the Town is going to be sued. Supervisor Menard said the total invoice from Mr. Bedard was \$9,586.00. He explained it is \$1,040.00 for one truck, \$1,080.00 for a second truck, and \$1,080.00 for a third truck, \$1,300.00 to Mr. Bedard, and \$5,086.00 in landfill fees. Mrs. Hawksby said that \$5,086.00 has to be paid no matter what. Supervisor Menard said yes, that is the amount due to the landfill. He said he would call to find out if the that bill has been paid yet. He added that he had not spoken with Mr. Bedard since he took his excavator. It was asked what the bill from Mr. Bedard is minus the landfill fees. Supervisor Menard said it is \$4,500.00. Mr. Gonyo said he would like to see the issue taken care of for \$4,500.00. There was some discussion. Supervisor Menard said he did not understand waiting another month to pay Mr. Bedard. It was asked what was the lawyer's reasoning in wanting to wait to pay Mr. Bedard. Councilperson Myatt said it was because there was no signed contract. Mrs. Hawksby said that the lawyer also said to wait to find out if the DEC was going to be able to help with the costs. Councilperson Ross said it a lot of it had to do with not all of the debris going to the landfill. He added that the lawyer advised them to wait. Councilperson Barcomb said there could be repercussions. Councilperson Ross said the lawyer told them if they paid the Town could be involved with the debris going to another location other than the land fill. Supervisor Menard said that there is a motion to pay the bill. Mr. Nedeau said that each bill should be voted on separately. Councilperson Ross made a motion to pay \$61,763.20 to the Franklin County landfill. The motion was seconded by Councilperson Barcomb. Councilperson Myatt made a motion to pay \$31,066.80 to Tater Trucking. The motion was seconded by Councilperson Ross. Councilperson Barcomb made a motion to pay approximately \$13,115.58 to Casella. The motion was seconded by Councilperson Ross. Councilperson Ross made a motion to pay approximately \$10,000.00 to the air monitoring company once the invoice is received. 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. Motion carried. Mrs. Myrtle Hawksby asked if the Clinton County landfill bill had been paid. Supervisor Menard said he was going to check if the bill had been paid by Mr. Bedard. Councilperson Ross said the invoice for the landfill is in Mr. Bedard's name. Mrs. Myrtle Hawksby asked if he was going to be paid back for that and if that had been voted on. She asked if it should be. Supervisor Menard said the problem is that they are not sure if the bill has been paid already by Mr. Bedard. Mr. Orville Nedeau said a motion to pay a bill should not be made if there is not a bill. Mr. Orville Nedeau asked where the money was coming from to

pay these bills. Supervisor Menard said the funds would be from the General Fund. He added that the Town would really have to tighten its belts because this would be taking a lot from the reserve funds.

#### **New Business**

**Town Business 1:** Town of Mooers received necessary paperwork to extend their State Contract for Municipal Snow & Ice Agreement Extension for 2015 - 2016 season, and Total NYS Municipal Snow & Ice agreement will be \$278,475.22, including \$5,569.50 per line mile for 50 miles; therefore Councilperson Lavalley made a motion that the following be adopted:

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS ACCEPT THE NYS MUNICIPAL SNOW & ICE AGREEMENT EXTENSION FOR THE 2014 - 2015 SEASON**

Councilperson Barcomb seconded the motion and result of a Roll Call was 4 AYES (Councilperson Ross, Councilperson Barcomb, Councilperson Myatt, Councilperson LaValley, Supervisor Menard) and 0 NOES, therefore Supervisor Jeff Menard declared **Resolution #024-2014** adopted.

**Town Business 2:** The need has arisen where money in the Budget for the accounts listed have exceeded the original appropriation. The funds to cover the difference be made available as listed, as per the Secretary to the Board; therefore Councilperson Barcomb made a motion that the following be adopted:

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

**MOVE \$4,590 FROM A1990.4 SPECIAL ITEMS -CONTINGENCY TO A1110.4 COURT CLERK & JUSTICE EXPENSES FOR FILE CABINETS**

**MOVE \$86,798.07 FROM A599 FUND BALANCE TO A8666.04 CLEARANCE, DEMOLITION, REHABILITATION FOR DEBRIS REMOVAL AT 2444 STATE ROUTE 11**

The motion was seconded by Councilman 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 #025-2014** adopted.

**Town Business 3:** Supervisor Menard said he had made some calls researching a possible new propane provider for the dog control kennel. He said the current provider is Griffith Oil at \$3.699 per gallon. He said a total of 240 gallons were used last year for a total of \$ 880.00. MX Fuels said they will lock-in the price at \$2.00 per gallon until June 2015. Supervisor Menard said, based on the usage last year, the cost with MX Fuels would be \$481.00 versus \$880.00 with Griffith. He added that MX Fuels would change the tanks and that it would be best to make a decision soon. Councilperson Barcomb made a motion to enter into contract with MX Fuels to provide propane for the dog control shelter at the lock-in price of \$2.00 per gallon. 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. Motion carried.

**Town Business 4:** Supervisor Menard said the Town had received a copy of a resolution passed by the Town of Saranac. He explained that the resolution was for shared services with area towns to borrow equipment instead of each town buying the equipment. Councilperson Barcomb asked who then is responsible if a borrowed piece of equipment is damaged. Highway Supervisor Eugene Boulterice said, in the past, if they would borrow a piece of equipment he would have to notify the Town's insurance, LaBarge Insurance company. He explained that if the Town is lending equipment he has to notify the insurance as well. He added that he tries not to borrow equipment more than is necessary.

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

**Public Comment 1:** Mr. Orville Nedeau asked the Board to consider getting an address system. He said it is very difficult to hear with the way the room is set-up and that a microphone would help. Councilperson Ross said many people have commented on this in the past. Supervisor Menard said maybe a portion of the grant money could go towards a sound system or possibly through the court fund.

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

General - Townwide -----(Vouchers 672 - 705)-----	\$ 162,333.93
Highway - Townwide -----(Voucher 412 - 433 )-----	12,009.20
Mooers Fire Protection -----(Voucher 671, 705 - 712)-----	33,537.18
Mooers Forks Lights -----(Voucher 705)-----	350.38
Mooers Lights -----(Voucher 705)-----	596.37
Trust & Agency -----(Voucher 98 - 100)-----	<u>10,372.57</u>

**Total of Abstracted Vouchers Paid-----\$219,199.63**

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

**Adjourn:**      Councilperson Ross made a motion for the meeting be adjourned. Councilperson Barcomb 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 8:04 PM.

Respectfully Submitted,

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BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR