

Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held September 9, 2014 at the Mooers Office Complex commencing at 7:00P.M.

Present: Jeff Menard, Supervisor
Steve Barcomb, Councilperson
Mary Myatt, Councilperson
Cory Ross, Councilperson

Recording Secretary: Brandi B. Lloyd, Town Clerk
Others Present: Kaleigh LaBombard, Dog Control Office
Eugene Boulerville, Highway Supervisor
Jacqueline Madison, Librarian
Jess Dixon, Code Enforcer

Absent: Gerald LaValley, Councilperson*

*arrived around 7:40pm

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 August 13, 2014 Minutes. They all replied yes. Supervisor Jeff Menard then asked if there were any omissions or corrections, there were none. Councilperson Barcomb then made a motion to accept the August 13, 2014 Minutes and Councilperson Myatt seconded the Motion. The result of a Roll Call was 4 AYES and 0 NOES, therefore Supervisor Jeff Menard declared Minutes accepted as written.

Highway: Highway Supervisor Eugene Boulerville reported that the Highway Department is still paving. He said they have completed work on St. John's Road and Grew Road, Lamberton Road. He added that work on the shim of Barcomb Road and a little bit of Upton Road has been completed. He added that they are currently working on Lamberton Road. Highway Supervisor Boulerville requested a Money Move of \$50,000.00 to towards additional paving costs from the Reserve Fund. Supervisor Menard mentioned that the parking lot of the Mooers Office Complex is in need of repair and asked if maybe it should be worked on instead. Highway Supervisor Boulerville said he would take a look at the parking lot. Councilperson Barcomb made a motion to move \$50,000.00 from the Reserve Fund to cover any additional costs associated with additional paving costs. The motion was seconded by Supervisor Menard. The result of a Roll Call was 4 AYES (Councilperson Barcomb, Councilperson Myatt, Supervisor Menard, Councilperson Ross) and 0 NOES. Motion carried. There was some additional discussion about the condition of the parking lot.

Library: Mrs. Jacqueline Madison reported that the library had received a legal notice of a possible payout from the Petterson Class Action lawsuit in regards to illegal advertising. She also reported that the library had received the balance of the Library Service Aid in the amount of \$1,144.53. Mrs. Madison said, she thanked the Lake Placid Educational Fund, the library will now be offering the Adirondack Life magazine in both hard and digital formats. She added that the library also has access to a free driving training course online. Mrs. Madison said @1,084.00 had been received, which is the balance of the first grant. She reminded the Board that \$10,835.00 had been received in 2012. Mrs. Madison said the library had received another invoice from S&B Construction for \$23,060.00. She said \$56,526.00 had been paid in July. She added that the total bill exceeds the original bid amount by about \$13,000.00. Mrs. Madison said she contacted the Clinton Essex Franklin County Library System and spoke with their finance department. She said she was told to pay only the amount of the bid and any remaining amount needs to be negotiated. Supervisor Menard said some changes had been made to the building after the bid. He said there were changes with the overhang. He added that he would like to meet with the Library Board, possibly next week, to go over it. Mrs. Madison said they have their monthly meeting planned for 15th at 6:00pm if that would work. Supervisor Menard agreed and said he would like to have Town Board members there as well.

Dog Control: DCO Kaleigh LaBombard handed in the itemized report for August 2014 which showed the following: 4 dogs coming in to the shelter, one dog came from Chazy, and three dogs from the Town of Mooers, there were a total of 26 reports/ complaints received and there are currently 7 dogs in the shelter. Ms. LaBombard said she is getting married October 4th and will be going on her honeymoon October 10 - October 14. She said she will be asking Mr. Lionel Peryea to cover. Ms. LaBombard asked

the Board to consider adding something to the Town Law to handle dogs barking. She said she has received a complaint about dogs barking from inside a residence. She added that the neighbor is complaining because the dogs next door bark when their owners come home and it is usually late at night to the early morning hours. Mr. Jess Dixon said the Town nuisance law, from back in the 1980's, should cover that. Ms. LaBombard said the Town should have received a copy of the inspection report done by Ag. & Markets. She said in the inspection, Ag. & Markets is requesting that the kennels lock. She said she would like to be able to lock the kennels from the outside. Supervisor Menard suggested a key lock. Councilperson Barcomb suggested that the same key would work for all locks and that a spare key be kept at the Town office or another location. Supervisor Menard asked Ms. LaBombard how the very sick dog she just took in was doing. She said he is still alive, but there was a \$100.00 veterinarian bill and he is doing much better.

Beautification Committee: Supervisor Menard asked if anyone from the beautification committee would like to address the board. Mrs. Scarlett Sample said there is nothing new. She added that they are still looking into clearing some broken limbs, dead trees and brush from the area right when you enter into the Town of Mooers on Route 22. Mrs. Sample asked if Highway Supervisor Boulerice would be able to chip what they end up clearing. He agreed and asked that the brush and limbs be left in a pile and they would take care of it.

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. Mrs. Jennifer Bulriss said there was nothing new to report at this time. Supervisor Menard introduced Mrs. Bulriss, the newly appointed Town Historian.

Fire Department: Mr. Chris Bulriss, Fire Chief, handed in the August report. The August report contained the following: Station #1 had 7 calls, Station #2 had 0 calls, Town had 6 calls and Mutual Aid had 1 call. Total of 59 calls to date. -----Incident types were Trailer=1----MVA= 2----Auto Alarm=1----Electrical=1----Other(Med. Assist)=1. Mutual aid to Churubusco=1. Mutual Aid from Altona=1----Champlain=1. Vehicle 251(Pumper) used 4 times, vehicle 252(Brush Truck) used 1 time, vehicle 253(Squad) used 0 times, vehicle 254(Pumper) used 1 time, vehicle 257(Heavy Rescue) used 5 times, vehicle 258(Tanker) used 2 times, vehicle 259(Pumper) used 1 time, and vehicle 25-AIR (Air Truck) used 1 time. Mr. Bulriss said they recently had a trailer fire and at the location there were several residences, but only one address. Mr. Dixon said it started out as a camp, but has now become more than that. Mr. Bulriss suggested naming the driveway and giving each residence a 911 address. Mr. Bulriss announced that the new brush truck is completed. He added that they made it through the Labor Day celebration and that it took two weeks, but they made it through. Mr. Bulriss apologized to Highway Supervisor Boulerice for the condition the roller was left in after they used it. He said they will clean it better next time.

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 EMS would like to address the board. No person was present wishing to address the board at this time.

Code Enforcement Officer: Mr. Jess Dixon handed in his report for the month of August showing six Building Permits issued, three violations with appearance tickets issued, three Certificates of Occupancy, four violations letters for property maintenance issued August 26, and a total of 22 calls. The report also showed one Zoning Board of Appeals meeting held with two variances issued by the Zoning Board of Appeals. Mr. Jess Dixon said he would like, after Town business has been taken care of, an executive session with the Town Board to discuss past and current employees and pending litigation.

Old Business: Supervisor Menard gave an update on the building collapse. He said the gasoline tank that was discovered has been taken out of the hole. He said some of the dirt has been contaminated with gas that had leaked from one of the tanks. Supervisor Menard said a second tank had been discovered. He said the second discovered tank will be removed and the hole will be filled in. He said the first discovered tank is the one that was leaking. Supervisor Menard explained that DEC informed the Town that wells have to be put in due to the contaminated soil to monitor the ground water. Supervisor Menard said they received a quote of \$2,013.00 to remove one tank, so it will probably cost around \$4,000.00 to have both removed. He said a quote of \$12,618.50 had been received. He said this would be to haul the contaminated dirt to the landfill, install the wells, and monitor the ground water for a period of at least two weeks. Supervisor Menard said John Kelleher said the Town could refuse to install

the wells. He said, if that happens, DEC would install the wells and put a lien on the property for the cost of the wells. Supervisor Menard said the Town currently has about \$151,000.00 tied up in the property. He added that the amount had been turned in to the County for it to be added to the tax base, but the County needs itemized amounts. He said the County will make the Town whole as soon as they have receipts and the Town would not have to wait three years. He said they are hoping to have everything to the County by the end of the year. Supervisor Menard said he is torn between letting the DEC install the wells or the Town having them installed. Mr. Jess Dixon said the DEC doesn't work with the County and that the Town would eventually have to pay the DEC if they installed the wells. Councilperson Myatt asked what would be the reason for not having everything done and to the County by the end of the year. Supervisor Menard explained the process of the wells. He said they have to be installed and then checked in two weeks. He said if the soil is clean, then the Town would get an all clear sooner. If the soil is not clean after two weeks, the process would take longer. He added that the letter he received September 5th did show the level of contamination was very low, but the Town should look into testing area wells. Mr. Jess Dixon said the wells should be installed if, for nothing else, to make sure homes around the property are safe. Supervisor Menard said Highway Supervisor Eugene Boulerice offered to test the area wells when he was able to. Supervisor Menard added that he thought it would be a good idea. Councilperson Ross suggested going ahead with the installation of the wells now rather than waiting. Councilperson Barcomb agreed. Councilperson Ross made a motion to move forward with the wells and have them installed as soon as possible. The motion was seconded by Councilperson Barcomb. The result of a Roll Call was 4 AYES (Councilperson Barcomb, Councilperson Myatt, Supervisor Menard, Councilperson Ross) and 0 NOES. Motion carried. Supervisor Menard said the invoice from the air monitoring company, GYMO, was received the end of August for \$5,522.00, which was close to the bid amount. He explained, with that invoice, the total for the clean-up is now \$151,601.00 plus \$13,000.00 for the well installation, and the cost of the tank removal. It was asked if Mr. Randy Bedard had been paid. Supervisor Menard answered that he had not been paid. He said the Town lawyer, Mr. Murnane, was supposed to be at the meeting, but did not show. Supervisor Menard said the Town had received a letter from Mr. Bedard's attorney, looking to get paid. He said Mr. Murnane drew up a letter to go to Mr. Bedard's attorney and was planning on bringing the letter tonight. Supervisor Menard added that he looked into it and Mr. Bedard, the landfill, and Mr. Carl Smith (Three J's Fuels) had not been paid.

New Business

Town Business 1: Town of Mooers has been advised by Andree Labarge, of the LaBarge Agency, to switch providers for disability insurance from Guardian to Shelter Point Insurance. She said changing providers will save the Town money as well as being easier to manage; therefore Councilperson Lavalley made a motion that the following be adopted:

BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS SHALL CHANGE PROVIDERS OF VOLUNTARY DISABILITY INSURANCE TO SHELTER POINT INSURANCE FOR ALL FULL AND PART-TIME HOURLY EMPLOYEES

Councilperson Barcomb seconded the motion and result of a Roll Call was 4 AYES (Councilperson Ross, Councilperson Barcomb, Councilperson Myatt, Supervisor Menard) and 0 NOES, therefore Supervisor Jeff Menard declared **Resolution #026-2014** adopted.

Town Business 2: The need has arisen where money in the Budget for the accounts listed has exceeded the original appropriation. The funds to cover the difference are 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 \$1,080 FROM SF1-1990.4 CONTINGENCY TO SF1-3410.43 PHYSICALS FOR FIREMEN

MOVE \$5,522 FROM A599 FUND BALANCE TO A8666.04 CLEARANCE, DEMOLITION, REHABILITATION FOR AIR MONITORING OF DEBRIS REMOVAL AT 2444 STATE ROUTE 11

The motion was seconded by Councilman Ross. The result of a Roll Call was 4 AYES (Councilperson Barcomb, Councilperson Myatt, Supervisor Menard, Councilperson Ross) and 0 NOES, therefore Supervisor Menard declared **Resolution #027-2014** adopted.

Town Business 3: The contract with the Clinton County Real Property Office needs to be renewed. The contract states the County will get paid \$12.50 for each land parcel in the Town of Mooers, which is unchanged; therefore Councilperson Myatt made a motion that the following be adopted:

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS SHALL ENTER INTO A
CONTRACT WITH CLINTON COUNTY REAL PROPERTY OFFICE FOR ASSESSMENT
SERVICES AS STATED IN THE CONTRACT FOR 2015**

The motion was seconded by Supervisor Menard. The result of a Roll Call was 4 AYES (Councilperson Barcomb, Councilperson Myatt, Supervisor Menard, Councilperson Ross) and 0 NOES, therefore Supervisor Menard declared **Resolution #028-2014** adopted.

Town Business 4: Supervisor Menard said the Town had received a FOIL request. He said Mrs. Brandi Lloyd, Town Clerk, brought it his attention that the Town did not have a Records Access Policy. Supervisor Menard said Mrs. Lloyd is going to research this and write a policy. He added that she is hoping to have it completed before the next meeting.

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

Public Comment 1: Mrs. Kimberly Peak Wright, of 43 Lamberton Road, explained that Tamarack had been hired by NYSEG to cut down trees on her property several weeks ago. She said she asked them to stop and eventually someone from NYSEG arrived. She said she was told by Tamarack that the trees to be removed should be marked by NYSEG. She added that the trees had not been marked. Mrs. Wright said Mr. Paul Lavalley had asked her three months ago how deep her well was. She said Paul told her he was putting water in on his property and that NYSEG would be running power down to his property. She said Mr. Lavalley then started putting lines in. Mrs. Wright said she has tried to contact Mr. Jess Dixon. She asked what the next step would be since she is unable to get in touch with Mr. Dixon. She also asked what the Town could do for her regarding the trees that were cut down. She explained that Mr. Lavalley had Tamarack cut down large maple trees about three years ago. Mrs. Lavalley also mentioned that Mrs. Joyce Roberts has been by Mr. Lavalley's property and noticed he is has campers by the river. She asked if he need a permit to do have campers there. Mr. Dixon introduced himself to Mrs. Wright. He explained that he did return her calls, but that she was unavailable due to a personal issue. Mrs. Wright said she had surgery for medical reasons. He added that public utilities have the right of way. Mr. Dixon said no permit is needed to put up a light pole or for wire on the ground. He added that a permit is required for a structure. Mr. Dixon said he also can't go on a person's property without evidence or because someone has "heard" another person is planning something. He said he had received two messages from Mrs. Wright, but a call back number was not left. Mr. Dixon said Mr. LaValley had spoken to him in the spring. He said he told Mr. LaValley that he would need to speak to the DEC first in regards to the campers. He said he told Mr. LaValley if DEC said it was not allowed that there would be no need for a permit. He said he told Mr. LaValley that if he got DEC's approval he would then have to go through the proper procedure of going before the Zoning Board, obtaining a variance, and so on. He added that he cannot stop Mr. Lavalley from investing in running power before he discovers if a camp would even be permitted. Mr. Dixon explained that one of the campers is over 50 feet from the river, which he said is allowed by the DEC. He said the pop-up camper is close to the river, but he believes it is not even usable. Mrs. Wright asked about the area being a flood zone. Mr. Dixon said that is determined by the DEC. Mrs. Wright again asked about her trees. Supervisor Menard said that would be an issue with NYSEG as the Town did not cut down the trees. Supervisor Menard said, as far as Mr. LaValley putting in a campground, to notify the Town if he puts in more than one camper. Mrs. Wright said he already has three. Mr. Dixon said only one of the three campers is even useable and if he intends to make it permanent he will need a well and a slab. Mrs. Roberts asked what could be done because they do not want a camp next to them. Mrs. Wright said she is not going to allow a camp to go in and that she is going to stand up for her older neighbors. She added that she is not threatening and that she intends to become more involved. Supervisor Menard said the situation needs to be monitored.

Public Comment 2: Mrs. Evans asked when the Annual Roxanne Dumas & Louanne Dragoon Memorial Soccer Tournament would be held. She was told it will be September 20th.

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

General - Townwide -----(Vouchers 713 - 731)-----	\$ 28,688.31
Highway - Townwide -----(Vouchers 434 - 447)-----	100,604.89
Mooers Fire Protection -----(Vouchers 731 - 740)-----	33,537.18
Mooers Forks Lights -----(Voucher 730)-----	363.31
Mooers Lights -----(Voucher 730)-----	621.30
Trust & Agency -----(Vouchers 101 - 103)-----	<u>10,372.57</u>

Total of Abstracted Vouchers Paid-----\$144,977.33

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