

**Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held  
October 9, 2017 at the Mooers Office Complex commencing at 7:00 PM**

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

**Recording Secretary:** Jessica K. Bulriss, Town Clerk

**Others Present:** Kris Gilmore, Highway Superintendent  
Kaleigh Mill, Dog Control Officer

**Absent:** Eugene "Dickie" Boulerice, Councilperson

**Meeting:** Supervisor Jeff Menard called the Meeting to Order at 7:00 PM, he then asked Mrs. Jessica Bulriss 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 September 11, 2017 Minutes. Councilperson Perras made a motion to accept the September 11, 2017 minutes with noted corrections. The motion was seconded by Councilperson LaValley. The result of the Roll Call was 4 AYES (Councilperson Perras, Councilperson LaValley, Supervisor Menard, Councilperson Myatt), and 0 NOES. Therefore Supervisor Menard declared the motion carried and the Minutes accepted as written.

**Highway:** Highway Superintendent Kris Gilmore stated that they will be done paving Barcomb Road by tomorrow. He also stated he would like to rent a tractor for the pull mower, and that it is a very good price. He said the state has mostly put their mowers away, but have not mowed parts of Route 11. He will contact the state and inform them that if they do not mow the sides of the road the highway department will not be plowing this winter. He said the high grass creates a lot of extra work in the winter. There was more discussion regarding the mowing.

Superintendent Gilmore said that he did not make the deadline to list the two trucks on auction international. He will be calling them this week. He also said they have started drawing sand, and they are one third of the way done. He said another major issue is their generator at the garage. He said that it became stuck in between modes. He called someone to come and fix it, but due to the lack of a main shut off from the meter box he can't work on it. He said that he will obtain quotes to fix it. It has to be fixed. If they lose power there is no back up. He stated just the switch will be between \$1200.00 to \$15,000.00. There was more discussion regarding fixing the switch.

Superintendent Gilmore said that Michael Boulerice has met with the retirement board. He said that he was thinking of using the part time employees and maybe seasonal employees until they know if they can hire a mechanic. He stated they currently don't have a mechanic position, but he has been working 16 hour days to make up the difference. He is currently doing the mechanical work at night. Supervisor Menard said they will need to talk with the union. There was more discussion regarding the highway department.

Superintendent Gilmore asked if they could make a motion to pay the asphalt bills as soon as they come in so that he can get his CHIPS paperwork, rather than wait until the next meeting. Supervisor Menard made a motion to pay the asphalt bill as soon as it comes in. The motion was seconded by Councilperson Perras. The result of the ROLL CALL was 4 AYES (Councilperson LaValley, Councilperson Myatt, Supervisor Menard, Councilperson Perras) and 0 NOES. Therefore Supervisor Menard declared the motion carried.

**Library:** Mr. Art Menard, present, said Tracey Ducharme has found another job and will be leaving the library. They put out a notice that they were looking for a new director immediately. The Library Director from Danemora, Eileen Cody, has offered to mentor our new director. Alyssa Neverette has been hired as the new Library Director. She has the required degree, but has no experience. They will have temporary hours to allow for training.

Mr. Menard stated donations started to pick up in August. He also said they received word from Plattsburgh that they are eligible for a grant with 25% matching funds. The grant was submitted with help from Plattsburgh and other directors. They will know in June 2018 if they received the grant and the money will be available in July, 2018. He stated that they have had a lot of help from local businesses and donations from citizens. Gary Bertrand from Lee Carpeting has

donated all of the vinyl flooring for the entrance and community room. He is also supplying the carpeting for the Library at cost and does not expect payment until July of 2018. Mr Menard also thanked Samples, Ace Hardware, and Councilperson Boulerice and LaValley for donating their time. Mr. Menard said they do have to pave the parking lot because crushed stone would be a waste of money. He also said they received a big donation of \$20,000.00 from Jim Hogan, whose mother was a librarian for forty years.

**Dog Control:** Mrs. Kaleigh Mill, present, stated that county wide dog control was not approved. Supervisor Menard replied that it did not, but he met with several towns and they are going to try a pilot plan. Mrs. Mills asked what the plan was for the shelter building. Supervisor Menard replied they were considering moving it to the Sheriff's Department. There was more discussion regarding dog control.

**Beautification:** 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.

**Tax Assessor:** Supervisor Menard asked if anyone from the Office of the Assessor would like to address the board. No person was present wishing to address the board at this time.

**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 office of The Town Historian would like to address the board. No person was present wishing to address the board at this time.

**Fire Department:** Fire Chief Dan Dumas said the Fire Department received a matching grant through the DEC. The grant matches funds up to \$1,500.00. He said they purchased a portable pond for the new truck. He also informed the board that they did not receive a FEMA grant for extrication equipment. He said their equipment is old and doesn't work well. They are in the process of looking at their budget to see if they can afford to purchase the equipment. Supervisor Menard read the report for September 2017 submitted by Fire Chief Danny Dumas. For the month of September there were a total of 9 calls. Five were in the town and four were mutual aide, which brings the year to date total to 89 calls. There were 4 house fires, 3 motor vehicle accidents, 1 grass/brush fire, and 1 medical assists. Mutual aid was provided by; Altona 1, Champlain 1, Champlain EMS 1, Hemmingford 1, and Rouses Point 1.

**EMS:** Supervisor Menard said that he, Councilperson Perras, Mr. Tom Murnane, sat down with Champlain EMS to discuss the potential new building. Supervisor Menard contacted the Association of Towns to find out what the town was required to do in order to set funds aside for this project. They responded that it is ok to set money aside as long as you do not go over five years it does not have to be put to a referendum. He said that he would like to put \$50,000.00 aside each year for the building. He also said that Champlain Ems would like to take out a loan for the building and be paid the \$50,000.00 each year because they do not want to wait. Supervisor Menard said we will need a motion to start a reserve fund. He spoke with Mr. Larry Brooks about the lot across from the store. Mr. Brooks is willing to sell the property. Councilperson LaValley asked if he had consulted the town lawyer. Supervisor Menard replied that he was present at the meeting, but was checking on some of the details and is waiting for a response. Councilperson LaValley suggested waiting until next month in order to hear from Mr. Murnane.

**Court:** Supervisor Menard asked if anyone from the Office of the Town Court would like to address the Board. No person was present wishing to address the Board. Supervisor Menard read the report for the month of September. For the month of September the Court brought in a total of \$14,991.82; \$9,228.00 went to the New York State, \$265.00 went to Clinton County, and \$5,498.82 went to the Town of Mooers.

**Code Enforcement:** 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.

**Old Business:**

**Old Business 1:** Supervisor Menard asked if anyone had any comments on the noise ordinance. Mr. Michael Reeves asked Supervisor Menard if he was sitting on the corner the other day. Supervisor Menard replied that he was on his lot burning brush and could hear the noise. Mrs. Beverly Perras asked when the ordinance would take effect. Supervisor Menard replied that it will take effect after ten days. There was more discussion regarding the noise ordinance.

**RESOLUTION TO ADOPT ORDINANCE 1-2017, TOWN OF MOOERS NOISE ORDINANCE**

**Whereas;** The Town of Mooers does not currently have a noise ordinance in place and there have been numerous complaints from residents regarding the excessive and unreasonable noise and;

**Whereas;** Local law enforcement is unable to address complaints due to lack of a noise ordinance and;

**Whereas;** The town board of the Town of Mooers has found that it would benefit the health and safety of the town and support the objective of being a quiet and peaceful, family oriented community to adopt such a noise ordinance providing for mandatory enforcement of standards.

**Therefore Be It Resolved;** that ordinance 1-2017, Town of Mooers Noise Ordinance is adopted and shall be effective ten (10) days after publication.

**Be It Further Resolved;**

## Section 1. TITLE

This Noise Ordinance #1 of the year 2017 shall be known as the Town of Mooers Noise Ordinance.

## Section 2. PURPOSE

The purpose of this ordinance is to preserve the public health, peace, welfare, and good order by suppressing the making of, or creation of unnecessary, unnatural or unusually loud noises which are prolonged, unusual, and unnatural in their time, place, and use and which are detrimental to the environment.

## Section 3. UNREASONABLE EXCESSIVE NOISE

A. It shall be a violation of the ORDINANCE to intentionally make unreasonable noise or sounds that annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of another person.

B. The following factors may be considered in determining whether the noise is unreasonable and excessive at the time and under the circumstances it is made:

1. The volume, intensity and duration of the noise
2. Whether the noise is normally associated with the permitted uses of property in the zoning district where the noise is created
3. The ambient or background noise in the area where noise is created.
4. The time of day the noise occurs
5. Whether the noise occurs at a time when residents in the vicinity are likely to be sleeping, which for purposes of this ordinance shall be presumed to be between the hours of 10 o'clock pm and 6 o'clock am on the weekdays of Sunday through Thursday, and the hours of 11 o'clock pm and 6 o'clock am on the weekdays of Friday and Saturday.
6. Whether the noise occurs in the vicinity of a school, courthouse, house of worship, public library, hospital, or nursing home and disturbs person using or residing in such facilities.
7. Whether the person making or responsible for the noise might reasonably expect that the noise would be plainly audible to a person outside the boundaries of the property or the dwelling where the noise is created.
8. Whether the person making the noise, or the owner or occupant of the property or dwelling where the noise occurs, has received prior complaints or notice concerning noise from the property or dwelling and the response to same.
9. Whether there are reasonable measures the person making the noise could undertake to reduce the noise.

## SECTION 4. CERTAIN ACTS DECLARED TO BE VIOLATION

It shall be a violation of this section to:

A. Operate, play or permit the operation or playing of any radio, television, tape recorder, sound amplifier, musical instrument or similar device which produce, reproduces or amplifies sound.

1. In a residential district if the sound is plainly audible at the boundary of the property on which the sound is produced.
2. In a dwelling unit in a multiple family dwelling at a volume where the sound is plainly audible in other units in the building.
3. In a commercial district if the sound is plainly audible at a distance of fifty (50) feet from the boundary of the property on which the sound is produced.
4. In a motor vehicle on a public right-of-way or public space in such a manner that sound is plainly audible at a distance of fifty (50) feet from the vehicle.

B. Yell, shout, hoot, whistle or sing on any public place within residential districts of the Town of Mooers so as to annoy or disturb the peace, quiet, comfort or repose of a reasonable person of normal sensitivity.

C. Operate machinery or equipment in a residential dwelling or garage that makes noise that is plainly audible at the boundary of the property or, in an adjoining dwelling unit of a multi-family dwelling, except that, noise made in connection with construction repairs or improvements to the dwelling unit which are made between the hours of 6 o'clock am and 9 o'clock pm shall not constitute a violation of this section

D. Operate any tools or equipment used in construction, drilling, excavation, or demolition work between the hours of 9 o'clock pm and 6 o'clock am, except emergency work.

E. Operate a motor vehicle which is not equipped with a muffler or other device which effectively prevents the discharge of loud or explosive noises.

F. Operate a motor vehicle on public streets in such a manner that the tires of the vehicle emit unnecessary noise.

G. Noise caused by a domestic animal's barking, howling, whining, screeching, that continues more than fifteen minutes and which is plainly audible at the boundary of the property, or in an adjoining dwelling unit in a multi-family dwelling.

H. Noise caused by loading or unloading equipment, material, or supplies for deliveries to properties within residential districts between the hours of 9 o'clock pm and 6 o'clock am that is plainly audible at the boundary of an adjoining residential property.

#### SECTION 5. EXEMPTIONS

This section shall not apply to noise emitted by or related to :

- A. Church bells, horns and sirens of trains and authorized emergency vehicles
- B. Parades, concerts or other community gatherings
- C. Non-commercial public speaking and public assembly activities conducted in any public place
- D. The use of domestic power tools for property repair or improvements, lawnmowers and other lawn maintenance tools between the hours of 6 o'clock am and 9 o'clock pm.
- E. The use of snow removal equipment at any time for snow removal purposes.
- F. The use of vehicle for agricultural purposes at any time.
- G. Weddings or graduation parties held at a private residence.

#### Section 6. PENALTIES FOR OFFENSES

Any person violating an provision of this Section shall have committed an offense and shall be subject to a fine not to exceed two hundred and fifty dollars (\$250.00). Person committing a subsequent offense within twelve (12) months of the date of a prior conviction shall be subject to a fine not to exceed five hundred (\$500.00). A separate offense shall be deemed committed on each day during which a violation occurs or continues.

#### SECTION 7. MANNER OF ENFORCEMENT

This section may be enforced by any New York State Police Officer, Clinton County Sheriff's Deputy, or any Code Enforcement Officer employed by the Town of Mooers.

**Motion: Councilperson Myatt**

**Seconded by: Supervisor Menard**

**Discussion: Yes**

The result of a Roll Call was 4 AYES (Supervisor Menard, Councilperson LaValley, Councilperson Perras and, Councilperson Myatt) and 0 NOES.

**Therefore;** Supervisor Menard declared **Resolution # 22-2017** adopted.

DATED: October 9, 2017

**Resolution #22-2017**

**New Business:**

**New Business 1:** Supervisor Menard said the town of Mooers employs their own assessor, but is assisted by the county. The county charges \$2.00 per parcel. The town has roughly 2,300 parcels for a total of about \$4,600.00 per year. They are planning to raise the price to \$3.00 in 2018, \$4.00 in 2019, and \$5.00 in 2020. They also charge \$10,419.00 per year for an employee of the Clinton County Real Property Office to come out and assist the assessor. Mr. Larry Wolff, present, said that the county does not charge the town \$10,419.00 that is what it cost the county to send an employee. There was more discussion regarding the assessor's office.

**New Business 2:**

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF MOOERS AUTHORIZING APPROPRIATION OF FUNDS TO NORTH COUNTRY LIFE FLIGHT INC.**

**Whereas;** North Country LIFE FLIGHT, Inc. is a not-for-profit, tax-exempt corporation which is responsible for all aspects of patient care by providing medical equipment, training medical personnel, and administering the medical portion utilizing the New York State Police helicopter based in Saranac Lake; and

**Whereas;** The New York State Police aviation resources do not provide a medically trained team or medical equipment for patient transports; and

**Whereas;** The people of Clinton, Essex, Franklin, Hamilton, and St. Lawrence Counties receive a vital emergency medical service which is free of charge to critically ill and seriously injured patients, and therefore municipal governments are asked to pledge monies for this worthwhile program;

**Be it Hereby Resolved that:** The Town Board of The Mooers Town Board hereby authorizes the Supervisor to enter into a contract with North Country LIFE FLIGHT, Inc. for the purpose of operating the medical component of the medevac program, which will serve its residents and visitors, and paying the amount of \$200.00 which represents the Town's share for 2018 ; and

**Be it Further Resolved that:** The sum of \$200.00 is hereby appropriated to Account No. A4989.4 for payment to North Country LIFE FLIGHT, Inc.

**Motion: Councilperson Perras**

**Seconded by: Councilperson LaValley**

**Discussion: none**

The result of a Roll Call was 3 AYES (Councilperson LaValley, Councilperson Perras, and Supervisor Menard) and 0 NOES

**Therefore;** Supervisor Menard declared **Resolution #21-2017** is adopted.

DATED: October 9, 2017

**New Business 3:** not withstanding the ten year limitation imposed by the foregoing provisions of the subparagraph, a county, city, town, village or school district that has adopted a local law or resolution pursuant to paragraph (a) of this subdivision may adopt a local law or resolution providing that the exemption authorized by the section shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten year limitation.

Supervisor Menard stated that ten years ago we passed a local law giving cold war veterans a tax exemption on their property tax, which runs out next year. He said that this will be an amendment to that law granting them the exemption as long as they own the property. Supervisor Menard stated that we will have a public hearing on the amendment on November 13th.

**New Business 4:** Supervisor Menard said that we have our tentative budget and will be going over the preliminary budget next month. The public hearing will be on November 9th.

**Public Comment :**

**Public Comment 1:** Mr. Michael Reeves expressed his appreciation for supporting the nomination of the Old Riverside Cemetery to the national register of historic places. He asked if it could be expanded to other historic sites. Councilperson Perras stated that Mr. Bill Krattinger suggested that the town start with the cemetery in order to not take on too much at one time.

**Public Comment 2:** Mr. John Arruda asked the town board to extend the 40 miles per hour speed zone on the Woods Falls Road to the cemetery. They are having a lot of safety issues with speeding. There was more discussion regarding the speed limit on Woods Falls Road.

**Public Comment 3:**



**Mooers Volunteer Fire Department, Inc.**

T 518-236-5311  
2508 Route 11, P.O. Box 433, Mooers, New York 12958  
mfd@primelink1.net

October 9, 2017

Supervisor Menard and Mooers Town Board Members,

On behalf of the Mooers Fire Department, we would like to express our appreciation for all the assistance we are given by Highway Superintendent Kris Gilmore.

Kris is an asset to the town of Mooers and has a broad knowledge base. With his assistance and help, we were able to clear a nice section of land to extend the usable space here at the town complex.

Superintendent Gilmore continues to assist us with any needs that may arise such as closing a road, removing large trees, or getting us a needed piece of equipment to a fire scene. Kris has saved the fire department money, which in turn saves tax dollars. We are very pleased to have his cooperation and support.

Sincerely,



Dan Dumas  
Fire Chief



Established 1948

**Vouchers:**

The Audited Vouchers to be paid off the Abstracted Vouchers on July 10, 2017 as follows:

General - Townwide	Vouchers 217-242	\$16,376.89
Highway - Townwide	Vouchers 164-182	\$14,614.05
Trust and Agency	Vouchers 73-76	\$13,954.85
Union Cemetery	Voucher 28	\$126.78
Riverside Cemetery	Voucher 27	\$126.78
<b>Total of Abstracted Vouchers Paid</b>		<b>\$45,072.57</b>

**Adjourn:** Councilperson Perras made a motion for the meeting be adjourned. The motion was seconded by Supervisor Menard. All in favor. Thus, Supervisor Jeff Menard declared the motion carried. Meeting adjourned at 7:53 PM.  
Respectfully Submitted

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JESSICA K. BULRISS, TOWN CLERK/TAX COLLECTOR

