

**Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held April 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  
Jess Dixon, Code Enforcement Officer  
Eugene Boulerice, Highway Supervisor  
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 April 9, 2013 Minutes. They all replied yes. Supervisor Cory Ross then asked if there were any omissions or corrections, there was one. The motion to accept the minutes from the March 12, 2013 meeting was made by Councilman Steve Barcomb where no name had been entered. Councilman Earl Robinson then made a motion to accept the April 9, 2013 Minutes as written and Councilman Steve Barcomb 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 Boulerice handed in the report for total cost of the State Road upkeep for the month of April 2013 as being \$3549.20. Mr. Boulerice also handed in a report for the cost of the State Road upkeep for November 2012- April 2013 showing Total State Contract of \$278,475.22 minus Total Expenses of \$126,914.62 with a balance to the good of \$151,560.60. A report was also handed for comparison for the cost of the State Road upkeep for November 2011- April 2012 showing Total State Contract of \$278,475.22 minus Total Expenses of \$107,706.28 with a balance to the good of \$170,768.94.

**Fire Department:** Raymond Phair, Fire Chief, handed in the April report. Mr. Phair said that, despite the Burn Ban, there were quite a few calls. He instructed the firemen that if it was a small fire and they didn't know about the burn ban to let it go, but if it were a larger fire or repeat business to call DEC. Mr. Phair asked if it would be possible to get the parking lot sealed this summer. Supervisor Ross said it would be looked into and he would get a price. Mr. Phair noted that the pump house is currently pumping 3,200 gallons per day and that they are very pleased. A question was raised about the Burn Ban date expiring on May 15th and, as far as Mr. Phair knows, it is lifted as of May 15th. The Fire Departments annual Labor Day celebration was discussed. This year the celebration will be held on Sunday not Monday as in the past. As of now, all events that the fire department had last year should be going again this year. April's report contained the following: Station #1 had 16 calls, Station #2 had 1 call, Town had 12 calls and Mutual Aid had 4 calls. -----Incident types were House=1----MVA=2----Grass/Brush=5----Power Lines on Trees=1----Auto Alarms=4----Stand By=1. Mutual aid to Chazy=1----Rouses Point=1----Alburg=3. Vehicle 251(Pumper) used 6 times, vehicle 252(Brush Truck) used 4 times, vehicle 253(Squad) used 1 time, vehicle 254(Pumper) used 7 times, vehicle 257(Heavy Rescue) used 8 times, vehicle 258(Tanker) used 3 times, vehicle 259(Pumper) used 0 times, and vehicle 25-AIR(Air Truck) used 4 times. Gallons of diesel fuel used and gallons of gasoline used not reported. Total town calls to date are 31. Total calls to date are 38.

**Dog Control:** DCO Kaleigh LaBombard that not too much has changed and she is currently down to one dog. In addition to the itemized report, Ms. LaBombard handed in a deposition from the New York State Police regarding a sick dog that was abandoned on her property. The abandoned dog was sick resulting in a veterinary bill of \$250.00. Ms. LaBombard filed a report with the police requesting the owner of the abandoned dog be arrested for animal cruelty, abandoning the dog on her property and to pay the veterinary bill. Ms. LaBombard handed in the itemized report for April 2013 which showed the following: 04/04/13 Kyle Cringle of Baker Road in Chazy reported that Rick and Lynn Trombley's dog, of

the Ratta Road in Chazy, sometimes comes in their yard- 04/11/13 Rebecca McDonald dropped her dog at Ms. LaBombard's residence, pressed charges as per Police Report- 04/11/13 Steven Davenport of Route 11, Mooers called about neighbor's dog on his property and does not know where the dog came from, dog has gone home now-04/15/13 Price Chopper in Champlain donated a cart-full of dog food (picked up on 04/17)- 04/19/13 Palmer's Vet. Clinic, brought very sick dog in and bill was charged back to Rebecca McDonald- 04/19/13 District Attorney's Office, Plattsburgh, meeting with Jason Marx re: LeaFloor case- 04/17/13 322 MacAdam Road, Chazy, picked up a pit bull (redeemed 04/18)- 04/17/13 62 LaForest Road, Sciota, neighbor's (at 69 LaForest Road, West Chazy) dog peed in yard, asked if there was a leash law, told them yes- 04/17/13 West Chazy Post Office, Karen from the post office called to say Allen St.Hillaire's dog chases the postal vehicle- 04/17/13 Allen St.Hillaire stated his dogs do not go to the road, they just bark at the mail carrier and don't bother anything- 04/19/13 Tractor Supply, Plattsburgh, bought five new kennels as last ones were deemed damaged by Ag. & Markets- 04/20/13 Palmer's Vet. Clinic, brought two dogs in to get rabies shots so they could be transported- 04/21/13 Brought two dogs to Elizabethtown shelter and one dog to Esterville Shelter in Saratoga- 04/23/13 100 Boas Road, Ag. & Markets Inspection by Janet Collier- 04/30/13 3199 State Route 11, Mooers Forks, three dogs were abandoned by tenant who is in jail, referred to Sheriff's Dept.- 04/30/13 Heather of Town Hall Road Mooers, said neighbor (Kevin Smith, Town Hall Road) was hunting dogs who bark a lot- 04/30/13 Ellenburg Police Barracks, signed police statement re: Rebecca McDonald.

**Library:** Jackie Madison discussed that the library will be hosting an informational day on Saturday, May 18th 11am-2pm at the pavilion at the Mooers Elementary School about the new library. Food will be provided. They will be providing information on the new facility as well as receiving input from those in attendance. They would like the possible location of the new library taped off to show those in attendance the future location of the facility. Supervisor Ross said he would look into taking care of that. Supervisor Ross discussed the adjoining property to that being donated to the Town for the library. He said the owner had been contacted with not much luck. Supervisor Ross has the owner's daughter's number and is going to try and speak with the daughter to see if she can maybe speak with her mom. The land owner's intention is to let the lot go for back taxes, which takes three years, therefore Supervisor Ross would like to get something before this happens. A question was asked about a PERK test. Supervisor Ross answered that this had yet to be done due to the fact that the adjoining lot has a septic that could be used. Ms. Madison said that there is maybe a year before the current grant will expire.

**Code Enforcement Officer:** Mr. Jess Dixon reported that last month there were a total of five permits. At their last meeting they noted some key areas... Mr. Dixon said the report is due to the county by May 28th and that he will hand it in by then. He said ice jams were a big interest to the county. One of the main areas concentrated on were the Scriver Road as well as west of the bridge where there is a braided stream that, if there is another flood, it will create a lot of earth moving down towards the pump house. Mr. Dixon said the possibility of taking care of it before any of this could happen is one of the main concerns.

**Champlain EMS:** Supervisor Ross discussed that it is time to renew the contract with Champlain EMS. He said that the contract was basically the same as in the past and that it had actually expired and never been renewed; therefore Councilman Robinson made a motion that the following resolution be adopted:

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS RENEWS  
CONTRACT WITH CHAMPLAIN EMS**

The motion was seconded by Councilman Barcomb. The result of a Roll Call was 5 AYES (Supervisor Ross, Councilman Robinson, Councilman Bushey, Councilman LaValley, and Councilman Barcomb) and 0 NOES, therefore Supervisor Cory Ross declared **Resolution #020-2013** adopted.

**Fire Department 2:** Supervisor Ross explained that the contract with the Mooers Volunteer Fire Department also needed to be renewed. He said a resolution to renew this contract would be voted on at the next meeting.

**NCC Systems:** NCC Systems preformed their inspection of the fire alarm and everything was in 100% working order.

**St. Ann's Church Parade:** Supervisor Ross discussed that St. Ann's Parish will be celebrating their 37th annual parade and bazaar on Sunday June 2nd at 11am. They sent the Town, as well as the fire department, a form to sign up to be a part of the parade.

**Letter from Assemblywoman Janet Duprey:** Supervisor Ross discussed the letter received from Assemblywoman Janet Duprey. Supervisor Ross read the letter. In it she mentioned how much the Town of Mooers received in CHIPs money this year.

**Legislator Harry McManus:** Supervisor Ross discussed that Harry McManus came to him with a resolution that the county had passed and asked for the Town of Mooers to support it as well. The State is trying to push early voting, allowing people to vote up to two weeks early. This would cost Clinton County between \$50,000 to \$60,000 more to conduct elections in this way and with no extra money from the State to cover the costs. Mr. McManus would like the Town of Mooers to vote to oppose this and send a letter to Senator Betty Little, The Governor as well as Assemblywoman Janet Duprey; therefore Councilman Lavalley made a motion that the following resolution be adopted:

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS OPPOSES SENATE BILL 1461 AND ASSEMBLY BILL A689 WHICH RELATE TO EARLY VOTING- BOARD OF ELECTIONS**

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 #021-2013** adopted.

**Insurance Renewal:** Mrs. Andree LaBarge of the LaBarge Agency, presented the agency's Insurance Proposal for the Town of Mooers at the April 9, 2013 meeting. Coverage effective May 1, 2013 through Trident. Insurance total premium is \$34,452.20. Mrs. LaBarge also presented their Insurance Proposal for the Mooers Volunteer Fire Department at the April 9, 2013 meeting, through ESIP. Insurance total premium is \$16,350.60; therefore Councilman Robison made a motion that the following resolution be adopted:

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS ACCEPT THE INSURANCE COVERAGE AS PROPOSED BY INSURANCE AGENT ANDREE LABARGE**

The motion was seconded by Councilman Lavalley. 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 #022-2013** adopted.

**Appropriation for Traffic Control Budget:** The need has arisen where money in the Budget for the Appropriation for Traffic Control has exceeded the original budget amount of \$500.00. The recent purchase total for signs is \$1660.00. The funds to cover the difference of \$1160, as per the secretary to the supervisor, be paid from the contingent account, #A1990.4; therefore Councilman Bushey made a motion that the following be adopted:

**BE IT HEREBY RESOLVED THAT THE BALANCE OF FUNDS DUE FROM APPROPRIATION FOR TRAFFIC CONTROL BUDGET BE PAID FROM THE CONTINGENT ACCOUNT, #A1990.4**

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 #023-2013** adopted.

**Highway 2:** Supervisor Ross discussed that there was earlier discussion to purchase a Bobcat on State contract to do work on roads and sidewalks. Highway Supervisor Boulerville informed Supervisor Ross that the Town has rented equipment in the past to take care of this work on the roads and sidewalks. Mr. Boulerville got the price for a Bobcat from Bobcat of Plattsburgh with several needed

attachments for \$38,343.58. Supervisor Ross asked for a motion to vote on the resolution to purchase the bobcat. There was some discussion as to if there may be other options, through CASE or another vendor or if the purchase could be put to bid. Councilman Robinson asked how long the state contract is good and suggested the purchase of the bobcat be tabled for one month. Councilman Robinson made a motion to table the resolution to purchase the Bobcat for one month and Councilman Barcomb seconded the Motion. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Cory Ross declared the motion carried. Supervisor Ross made note that this work would be starting soon and it would be good to decide on the purchase of the equipment before one had to be rented.

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

**Public Comment 1:** Mrs. Sue Miller presented a letter written to the Town Board by Rudolph Miller regarding events that took place in the parking lot after the April 9, 2013 meeting. Mrs. Miller discussed that after exiting the meeting on April 9, 2013 an altercation occurred. She said she had checked with other agencies and made some calls, called the New York State Code Enforcement Office, as well as others. Mrs. Miller said she will let the Board know as it progresses.

**Public Comment 2:** Mr. Mike Willette addressed the board with the issue he is continuing to have with the beavers on his neighbor's property causing flooding to his property as well as the Orr Road. Mr. Willette said it is the Town's problem to fix as the roads are the Town's job to maintain. Supervisor Ross spoke that it had been looked into and it was discovered that the beavers are on what is declared Federal Wet Lands. Mr. Dixon spoke that, even though this is not a Code Enforcement issue, he has spoken with the DEC and that Mr. Willette could try to obtain a nuisance permit to legally trap the beavers causing the problem. Mr. Boulerice spoke that any issue they have ever had with beavers it was the land owner, where the beavers are located, that has to get the permit to get the dams out. Mr. Willette wants his land restored to the state it was in before the beavers were introduced to the area. Mr. Jim Coffey, attorney for the Town Board, offered to look into the issue and suggested that Mr. Willette talk to the Association of Towns.

**VFW sale of poppies:** Councilman Robinson discussed that the VFW would like to have permission to once again solicit the Town of Mooers for their poppies fund raiser over the next two weeks. Councilman Lavalley made a motion to allow the VFW to solicit the Town of Mooers over the next two weeks for the sale of poppies. Supervisor Ross seconded the Motion. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Cory Ross declared the motion carried.

**Fire Department 2:** Councilman Robinson discussed that a couple of the fireman have approached him to see if the parcel of land located near the parking lot could be squared off and paved to increase the size of the parking lot. Councilman Robinson said it was not something he wanted to vote on today, but would like to look into if the CHIPS money could be used for the paving as well as the re-surfacing of the parking lot. Mr. Boulerice said he would have to check into it, but that whatever CHIPS money is used for has to last ten years. Mr. Boulerice believes the paving may be possible, but not the re-surfacing.

**Sale of Town owned land:** It has been brought to the attention of the Town of Mooers that the land previously resolved to sale to Larry Brooks is actually being purchased by Larato Farms, Inc. Larato Farms, Inc. is owned by Larry Barcomb, his wife and son; therefore Councilman Barcomb made a motion the following resolution be adopted:

**BE IT HEREBY RESOLVED THAT LAND OWNED BY THR TOWN OF MOOERS BE SOLD TO LARATO FARMS, INC.**

The motion was seconded by Councilman Robinson. 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 #026-2013** adopted.

**Executive Session:** The need has arisen for the Town Board to go into executive session for two purposes, to discuss the work history of a current employee as well as the work history of a former employee; therefore Supervisor Ross made a motion the following resolution be adopted:

**BE IT HEREBY RESOLVED THAT THE TOWN BOARD OF MOOERS GO INTO EXECUTIVE SESSION**

The motion was seconded by Councilman Lavalley. 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 #024-2013** adopted.

**Reconvene in open session:** The executive session ended and the Town of Mooers Town Board reconvened in an open session; therefore Councilman Bushey made a motion the following resolution be adopted

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS TOWN BOARD HAS RECONVENED IN AN OPEN SESSIOMN EXECUTIVE SESSION**

The motion was seconded by Councilman Barcomb seconded the motion and 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 declared **Resolution #025-2013** adopted.

**Meth info:** Supervisor Ross announced that due to the recent numbers of meth labs discovered and meth users in the area, there will be a public informational session on May 23. The session is open to all and will be held at the St. Joseph's Church Hall in Mooers 7-8:00pm.

**Vouchers:** The Audited Vouchers to be paid off the Abstracted Vouchers on May 15, 2013 are as follows:

General - Townwide-----	(Vouchers 104 - 135 )-----	\$ 54,393.01
Highway - Townwide-----	(Voucher 77 - 97 )-----	18,048.08
Mooers Fire Protection -----	(Voucher 127, 136-137, 139-141 )-----	24,454.48
Mooers Forks Lights-----	(Voucher 125)-----	280.41
Mooers Lights -----	(Voucher 125)-----	<u>462.30</u>
<b>Total of Abstracted Vouchers Paid-----</b>		<b>\$97,638.28</b>

**Adjourn:** Councilman Gerald Lavalley made a motion for the meeting be adjourned. Supervisor Cory Ross seconded the motion and the result of a Roll Call 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 8:14 PM.

Respectfully Submitted,

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BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR