

**Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held
May 8, 2017 at the Mooers Office Complex commencing at 7:00 PM**

Present: **Jeff Menard, Supervisor**
 Donald Perras, Councilperson
 Mary Myatt, Councilperson
 Eugene "Dickie" Boulerice
 Gerald LaValley, Councilperson

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

Others Present: **Myrtle Hawksby, Beautification Committee**
 Jess Dixon, Code Enforcement Officer

Absent: **none**

Meeting: Supervisor Jeff Menard called the Meeting to Order at 7:00PM, 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 April 10, 2017 Minutes. Supervisor Menard stated that there was one correction. He said that he said windmills but meant solar when talking about the meeting at the high school. Councilperson Perras made a motion to accept the minutes. The motion was seconded by Councilperson Boulerice. The result of the Roll Call was 5 AYES (Councilperson Perras, Councilperson LaValley, Supervisor Menard, Councilperson Boulerice, Councilperson Myatt) and 0 NOES. Therefore Supervisor Menard declared the motion carried and the Minutes accepted with the noted correction.

Highway: Superintendent Gilmore, present, stated that had provided the Board members with two prices for a hill side mower. They both had identical specs. Councilperson Perras made a motion to accept the bid from Peru Farm Center. The motion was seconded by Councilperson LaValley. The Result of the Roll Call was 5 AYES(Councilperson LaValley, Councilperson Myatt, Supervisor Menard, Councilperson Boulerice, Councilperson Perras) and 0 NOES, therefore Supervisor Menard declared the motion carried.

Superintendent Gilmore stated that the Town of Chateaugay would like to purchase our OshKosh snow blower. He said that we have to come up with a purchase price. Supervisor Menard asked what it was worth. Superintendent Gilmore was unsure of the value. It was decided by Supervisor Menard and Superintendent Gilmore to ask \$10,000.00 for the snow blower.

Supervisor Menard said that he received a call from Mr. Scott Hamilton, who resides on the Hemmingford Road. Mr. Hamilton said that since the library has been constructed he has excess water in his yard. Code Enforcement Officer asked where the water was coming from and stated that it might require a water test. Mr. Dixon stated that if it is just run off then we could possibly dig a ditch.

Supervisor Menard stated that the town continues to receive a \$617.45 bill from UNI-FIRST for uniforms that were not returned when the contract was terminated. Supervisor Menard asked Councilperson LaValley and Councilperson Boulerice to sit down with UNI-FIRST and the highway employees and attempt to reach an agreement. Councilperson Boulerice stated that there were some uniforms that were never delivered in the first place.

Library: Supervisor Menard asked if anyone from the Library would like to address the Board. No person was present wishing to address the Board.

Dog Control: Supervisor Menard asked if anyone from the Dog Control would like to address the Board. No person was present wishing to address the Board.

Beautification: Mrs. Myrtle Hawksby, present, stated that she has nothing to report, but would like to know why there are ruts in the Old Riverside Cemetery. Supervisor Menard

replied that someone drove in with two Toyota tundra pickup truck and got stuck. The individuals went over to Dragoon's and an employee pulled them out. Supervisor Menard said that the town will be placing a chain across the entrance to prevent it from happening again.

Tax Assessor: Mr. Larry Wolff, present, had nothing to report.

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: Supervisor Menard asked if anyone from the Fire Department would like to address the Board. No person was present wishing to address the Board. A report was submitted by Mr. Danny Dumas Fire Chief. For the month April of there were twelve calls, ten for the town and two mutual aid: two house fires, two motor vehicle, one power line, one good intent, one brush fire, three medical assist, and two flooded basements. There have been thirty seven calls year to date.

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 read the report submitted for the month of April. There were a total of ninety eight calls, 1719.2 loaded miles, and the average response time was 2.1 minutes. Supervisor Menard also stated that he had a meeting with Corey Thompson and the EMS Board. The emt's would leave when the inmates were present and go to the Champlain station. As of 6/1/17 the emt's were no longer had access to the fire department's club room. It was decided that when the inmates were present the emt's could use the court room. They were given a key to the front door. Supervisor Menard stated that at the meeting they also discussed the possibility of moving the air truck into the main station and converting the air truck garage into separate location for the emt's and the ambulance. There was more discussion regarding the location of the ambulance and the emt's. Supervisor Menard is going to research how much it would cost to convert the building.

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 submitted for the months of March and April. For the month of March the Court brought in a total of \$13,466.00; \$8,682.00 went to the New York State, \$1,231.00 went to Clinton County, and \$3,553.00 went to the Town of Mooers. For the month of April the Court brought in a total of \$10,744.41; \$7,059.00 went to New York State, \$380.00 went to Clinton County and, \$3,305.41 went to New York State.

Code Enforcement: Code Enforcement Officer Jess Dixon, present, read his report for the month of April. In April he issued a total of two building permits, no violations, two certificated of occupancy, eighteen calls, and three ZBA variances were approved. Mr. Dixon stated that he will be writing a lot of tickets in the coming months. He also stated that he issued a violation for the property on Woods Falls road. The owner must remove the trailer that is currently on the property.

Mr. Dixon said they have stabilized the tank at the elementary school. He also spoke with Matt Arno who is in charge of the facilities for the North Eastern Clinton School District. He informed Mr. Dixon that there is currently fuel in the tank, but it has been shut off. They are in the process of getting a temporary tank. They will then pump as much fuel as they can into the temporary tank. The rest will be removed with a pump truck. The empty tank will remain in the current location until they decide how to proceed. The Department of Environmental Conservation have assessed the situation and there aren't any leakage or safety issues.

Supervisor Menard stated that there was an issue at a residence in the town. The homeowner received a 300 gallon fuel delivery that was accidentally pumped into their basement instead of the fuel tank. The fuel was then pumped out of the basement into the ditch. DEC was made aware of the issue and the ditch will be dug and the soil will be tested. Mr. Dixon stated that he would like to be notified when things like this happen. Supervisor Menard is going to check with Fire Chief Danny Dumas. Mrs. Myrtle Hawksby suggested that Mr. Dixon download the app the fire department uses. It would automatically notify Mr. Dixon of all calls in the surrounding area.

Cemeteries: None

Old Business:

Old Business 1: Supervisor Menard stated that the ZBA approved the variance for the solar farm. Delaware River Solar will initially deposit \$60,000.00 per farm for decommissioning. Additionally they will deposit \$2,500 a year per farm for the next twenty years. There will be a total of four solar farms. Two representatives from Delaware River Solar were present to address any questions that the Board or public may have. Supervisor Menard asked if Delaware River Solar abandons the solar farms after the twenty year agreement are the solar farms the property of the Town or the land owner. Mr. Richard Chun stated that if the solar farm is abandoned by Delaware River Solar the solar farm is the property of the Town. Mr. Jess Dixon asked if decommissioning agreement had specific language regarding the abandonment of the solar farm. Mr. Chun replied that there was. There were several questions from audience members.

Councilperson Perras made a motion for the Town of Mooers to take lead agency on the Delaware River Solar Project. The motion was seconded by Councilperson Myatt. The Result of the Roll Call was 5 AYES (Councilperson Perras, Councilperson Boulерice, Supervisor Menard, Councilperson LaValley, Councilperson Myatt) and 0 NOES. Therefore Supervisor Menard declared the resolution adopted.

RESOLUTION TO ESTABLISH THE TOWN OF MOOERS AS LEAD AGENCY ON THE DELAWARE RIVER SOLAR PROJECT

Whereas; Delaware River Solar wishes to install a solar farm, located at 297 Boas Road Mooers Forks, New York 12959; and

Whereas; Delaware River Solar agrees to reimburse the Town of Mooers for any legal and professional consultation they deem appropriate to fulfill the obligation of lead agency; and

Whereas; The Town of Mooers Zoning Board of Appeals has no objection to the Town of Mooers taking lead agency status for this project.

Therefore; Be it resolved that the Town of Mooers does hereby establish itself as lead agency for the Delaware River Solar Project located at 297 Boas Road Mooers Forks New York 12959.

Motion: Supervisor Menard

Seconded by: Councilperson Boulерice

Discussion: yes

The result of a Roll Call was 5 AYES (Councilperson LaValley, Councilperson Myatt, Councilperson Perras Councilperson Boulерice, Supervisor Menard) and 0 NOES.

Therefore; Supervisor Menard declared **Resolution # 12-2017** adopted.

DATED: May 10, 2017

Old Business 2: Supervisor Menard asked if any council members thought that anything should be changed in the employee handbook. Councilperson Perras stated that he could not find where the employee handbook interfered with the union contract with the highway employees. Supervisor Menard stated that the employee handbook states that the contract takes precedent over the handbook. Councilperson Boulерice stated that the wording regarding person protective equipment has been changed from "may use" to "must use." Supervisor Menard made a motion to accept the employee handbook as written and sent it to print. The motion was seconded by Councilperson Perras. The result of the Roll Call was 5 AYES (Councilperson Perras, Councilperson Boulерice, Supervisor Menard, Councilperson Myatt, Councilperson LaValley) and 0 NOES. Therefore Supervisor Menard declared the motion carried.

Old Business 3: Supervisor Menard stated that he and Councilperson Perras met with Eric Gustafson regarding the Bull Run Wind Project to discuss any issues. There were no issues and the project is moving forward.

Old Business 4: Supervisor Menard stated that he attended a county wide meeting regarding the Shared Services Contract at Plattsburgh State University. There will be another meeting on June 17th. Supervisor Menard said that he suggested they look into purchasing insurance as a whole rather than town by town in order to have more bargaining power.

Old Business 5: Supervisor Menard stated that the Town must appoint a delegate and an alternate to represent the town on the Fire Advisory Board. Mr. Chris Bulriss was the previous delegate and Mr. Mark Fewster was the alternate. Supervisor Menard made a motion that Chris Bulriss continue as the delegate and Mark Fewster continue as the alternate. The motion was seconded by Councilperson Perras. The result of the Roll Call was 5 AYES (Councilperson Perras, Councilperson Boulerville, Supervisor Menard, Councilperson Myatt, Councilperson LaValley) and 0 NOES. Therefore Supervisor Menard declared the motion carried.

Old Business 6: Supervisor Menard stated that Mrs. Crystal Bulriss would like permission to purchase a HOVR for \$189.00. It is a free standing under the desk swing. She recently had knee replacement surgery and this would aid in her recovery. There was discussion regarding the benefits of this device as well as standing desks. Councilperson Myatt made a motion to purchase a HOVR for the Office. The motion was seconded by Councilperson Perras. The result of the Roll Call was 5 AYES and 0 NOES. Therefore Supervisor Menard declared the motion carried.

Old Business 7: Supervisor Menard stated that he received a notice from the Department of Health regarding a meeting on May 18th. Registration must be completed by May 11th.

New Business:

New Business 1: Supervisor Menard stated that Mr. Steve Southwick was present from Champlain Telephone Company and would like to address the Board. Mr. Southwick stated that about two years ago they applied for a New York State broadband grant. He said that they did not get involved with phase one because it was a 50/50 match and it was not financially feasible. The second round was 80/20, which meant they would have to come up with 20% of what they were approved for. He said that eligibility is based on census blocks, they chose areas where the largest amount of people would benefit. Mr. Southwick presented the Board with a list of roads that would be included and a map of the same. He indicated that the red portion of the map is where broadband would be provided to customers. The blue line identifies where the main line distribution fiber optic cabling will be located along route 11. He stated that only portions of roads are going to receive broadband, but they plan to be able to offer it to the rest of the customers in three to five years. The main line distribution fiber optic cabling must be completed by 2018 in order to comply with the terms of the grant. There was more discussion regarding broadband service.

New Business 2:

RESOLUTION TO CHANGE THE NAME OF MISSILE BASE ROAD TO ATLAS ROAD

Whereas; The Town of Mooers New York and the Town of Champlain New York each have a road named Missile Base Road; and

Whereas; Clinton County Emergency Services has reviewed the situation and finds that confusion exists, which could potentially lead to a delay in emergency response time; and

Whereas; The proposed name of Atlas Road will eliminate confusion and does not duplicate any other street name in Clinton County; and

Therefore; Be it resolved that Missile Base Road located in the Town of Mooers, New York is hereby changed to Atlas Road.

Motion: Supervisor Menard

Seconded by: Councilperson Perras

Discussion: none

The result of a Roll Call was 5 AYES (Councilperson LaValley, Councilperson Myatt, Councilperson Perras, Councilperson Boulerice, Supervisor Menard) and 0 NOES.

Therefore; Supervisor Menard declared **Resolution # 13-2017** adopted.

DATED: May 10, 2017

New Business 3:

RESOLUTION TO CHANGE THE NAME OF ROCK ROAD TO DECOSTE ROAD

Whereas; The Town of Mooers New York and the Town of Champlain New York each have a road named Rock Road; and

Whereas; Clinton County Emergency Services has reviewed the situation and finds that confusion exists, which could potentially lead to a delay in emergency response time; and

Whereas; The proposed name of Decoste Road will eliminate confusion and does not duplicate any other street name in Clinton County; and

Therefore; Be it resolved that Rock Road located in the Town of Mooers, New York is hereby changed to Decoste Road

Motion: Councilperson Myatt

Seconded by: Councilperson LaValley

Discussion: none

The result of a Roll Call was 5 AYES (Councilperson LaValley, Councilperson Myatt, Councilperson Perras, Councilperson Boulerice, Supervisor Menard) and 0 NOES.

Therefore; Supervisor Menard declared **Resolution #14 -2017** adopted.

DATED: May 10, 2017

New Business 3: Supervisor Menard stated that he received a letter regarding the union contract. The letter states that Councilperson Boulerice and Councilperson LaValley agreed to the language. Councilperson Boulerice replied that they agreed but were told to take it back to the Board. She told Councilperson Boulerice that if the Board does not approve it they will start at square one. Supervisor Menard stated that the union representative would like a record of the vote because if Councilperson Boulerice and LaValley voted no they are not bargaining in good faith. There was more discussion regarding the union contract. Supervisor Menard called for a vote on the union contract. The result of the Roll Call was 0 AYES and 5 NOES (Councilperson Perras, Councilperson Boulerice, Supervisor Menard, Councilperson Myatt, and Councilperson LaValley). Therefore Supervisor Menard declared the contract denied.

Public Comment :

Public Comment 1: Mr. Michael Reeves addressed the Board. He provided a hand out detailing "The East Street Loop." The loop would go from the bridge on State Route 22 through Leon Menard's property and Mr. Reeves' property. The loop would provide access to the pump house from Route 22. Mr. Reeves stated that he has begun removing the trees from his property and would appreciate any help. Mr. Dixon stated that he would need approval from the Department of Transportation. He also voiced his concern about increasing traffic around the condemned East Street bridge which could cause safety concerns. He also stated that there is a buffer area around wetlands and the Department of Environmental Conservation would have to be involved. Mr. Dixon suggested that they form a committee with a project head. There was more discussion regarding the proposed East Street Loop. Mr. Reeves requested permission from the Board to cut the trees that are on the town's property. Councilperson Perras stated that he would like to see it used as a gated emergency road. Councilperson Perras made a motion to give Mr. Reeves permission to cut the trees that are on the Town's property by the pump house. The motion was seconded by Councilperson Myatt. The result of

the Roll Call was 5 AYES (Councilperson Perras, Councilperson Boulerice, Supervisor Menard, Councilperson Myatt, Councilperson LaValley) and 0 NOES. Therefore Supervisor Menard declared the motion carried.

Mr. Reeves read a letter regarding his concerns for what is happening to his neighborhood. Mr. Reeves requested that the town give him permission to write an ordinance that would amend the current zoning laws. It would provide for the health and safety of, specifically HUD and welfare, tenants. Mr. Reeves would like to increase the responsibility of the landlord to include snow and garbage removal. Mr. Dixon stated that you absolutely cannot discriminate. There was more discussion regarding Mr. Reeves' concerns. Supervisor Menard stated that ultimately the landlord is responsibly.

Mr. Dixon stated that we need to go out to bid for the removal of the garbage on Garrand Road. Supervisor Menard stated that we need to check with Mr. Murnane first.

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

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| General - Townwide -----(Vouchers 87-103)----- | \$37,811.09 |
| Highway - Townwide -----(Vouchers 79-96)----- | \$77,065.43 |
| Trust and Agency----- (Vouchers 53-56)----- | \$13,954.85 |
| Mooers Forks Lights----- (Voucher 98)----- | \$363.65 |
| Mooers Lights ----- (Voucher 98)----- | \$625.86 |
| Union Cemetery----- (Voucher 17-18)----- | \$725.98 |

Total of Abstracted Vouchers Paid-----\$130,546.86

Adjourn: Councilperson Perras made a motion for the meeting be adjourned. All in favor. Thus, Supervisor Jeff Menard declared the motion carried. Meeting adjourned at 8:53 PM.

Respectfully Submitted,

JESSICA K. BULRISS, TOWN CLERK/TAX COLLECTOR