

**Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held
September 10, 2018 at the Mooers Office Complex commencing at 7:00 PM**

Present: Jeff Menard, Supervisor
Donald Perras, Councilperson
Christopher Bulriss, Councilperson
Eugene "Dickie" Boulerice, Councilperson
Irving Breyette, Councilperson

Recording Secretary: Kelly L. McDonald, Town Clerk

Others Present: Kaleigh Mill, Dog Control Officer
Art Menard, Library
Myrtle Hawksby, Beautification

Absent: Kris Gilmore, Highway Superintendent

Meeting: Supervisor Jeff Menard called the Meeting to Order at 7:00PM. Supervisor Menard introduced Mrs. Kelly L. McDonald He then asked Mrs. Kelly McDonald 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, 2018 minutes. Councilperson Bulriss made a motion to accept the minutes as written. The motion was seconded by Councilperson Perras. The result of the Roll Call was 5 AYES (Councilperson Perras, Councilperson Boulerice, Supervisor Menard, Councilperson Bulriss, and Councilperson Breyette) and 0 NOES. Therefore, Supervisor Menard declared the motion carried and the Minutes accepted as written.

Highway: Supervisor Menard asked if anyone from the Highway Department would like to address the board. No person was present wishing to address the board.

Library: Mr. Art Menard, present, stated that the grant they had been waiting for has come through. The letter came in August 31, and the library looks to be in good shape to finish the building. Mr. Menard spoke about the Celebration and Grand Opening that is to occur 9/17/2018 from 11am to 2pm. Hot dogs and hamburgers will be donated by D and D meats, ice cream will be donated by Stewarts and Coca-Cola is also making donations. The Dedication will take place at noon.

Dog Control: Ms. Kaleigh Mills, present, informed the Board that the Malone Animal Shelter is going to take the dogs that are currently in Ms. Mills' possession. They are a no kill shelter, will cover the vaccination of the animals and housing expenses. They will charge \$150/dog for the end of the year. In January they will enter into a one year contract at \$2,500.00 for up to 15 dogs. There was further discussion as to what will be done with the shelter building. Supervisor Menard explained they have not found a suitable place yet. Ms. Mills asked if she could donate the supplies that were in the shelter to the Malone Shelter, which Supervisor Menard said was fine. Supervisor Menard is going to look at the building to see if the building is something that would fit at the Town Highway Department. Ms. Mills was going to ask her family if they were willing to take it down if they were not able to keep the building, or is there possibility her family could buy it. Ms. Mills stated at this time the shelter is closed. Ms. Mills asked if the contract can be approved for next month. Supervisor Menard stated the Resolution will be done for next month's meeting.

Beautification: Mrs. Scarlett Sample, present, presented the Board with her proposed budget for 2019. There was also discussion on how the Christmas decorations would be hung this year, Supervisor Menard said he will check into that.

Youth Program: Supervisor Menard asked if anyone from the Youth Commission would like to address the board. No person was present wishing to address the board.

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. Supervisor Menard had a letter from the Clinton County Historical Association looking for donations. The Town of Mooers pays annual dues the Association. Supervisor Menard stated that in the years he has been with the Board, the Town has not donated. Supervisor Menard if the Town would be interested in donating, but unsure if it can be done with tax dollars. Supervisor Menard is going to check into it further and bring the subject back next month.

Fire Department: Mr. Dan Dumas, let the board know that the new fire truck has made its way to Texas. The fire Department is hoping to take possession of the truck this fall. Mr. Dumas also explained that by January 1, 2019 the state is mandating cancer coverage. At this time it looks like it is going to cost \$250/member and will cover all members. Supervisor Menard read the report, which stated there were 12 calls for the month of August: 2 house fires, 3 motor vehicle accident, 1 downed power lines, 1 good intent, 3 medical assists, 1 automatic alarm and 1 electrical. There were 6 mutual aid calls, 5 of which were canceled. One did respond as it was nearby and it was for a controlled burn. Mr. Dumas explained the call volume was up, typically this time of year there are 100 calls or so. Currently this year there are 128 calls to date. Supervisor Menard has spoken with other towns and is working on compiling call data to see if the trend is occurring in nearby towns as well.

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.

EMS: Supervisor Menard explained that the Town's lawyer directed that a resolution needs to be done to purchase the Morelock Property, and advertise to the paper that the purchase of the property is subject to Permissive Referendum. Once it is advertised in the paper, the townspeople have 30 days to petition the purchase. If this occurs, the referendum will have to go to vote on next November's ballot as it will not make the deadline for this year's election. Supervisor Menard spoke with the program director for the inmates and they are planning to wash walls and clean at the end of the month. Supervisor Menard asked Town Clerk, Mrs. Kelly McDonald, to read the resolution.

RESOLUTION #25 OF 2018 - AUTHORIZING PURCHASE OF REAL PROPERTY FOR USE AS AN EMS BUILDING

WHEREAS, the Town of Mooers has identified a need for an emergency medical services building; and

WHEREAS, an approximately 2.3-acre parcel of land located on 2896 Route 11 in the Town of Mooers, which parcel is currently designated as Town of Mooers tax parcel number 29.-2-28.431 and 29.-2-28.432 and is currently owned by Jeff Morelock ("the Morelock Parcel"), was placed on the market for sale; and

WHEREAS, the town evaluated the parcel and found the Morelock building as suitable for an EMS Building; and

WHEREAS, the Town Board, by resolution #21-2018, adopted on July 25, 2018, resolved that it wished to explore the purchase of the Morelock Parcel, and appointed the Town Supervisor to negotiate for the purchase of this parcel with a price not to exceed \$129,900.00 of the assessed value and that any purchase contract with complete terms would be presented for a vote of the full board; and

WHEREAS, said assessed value was \$68,800.00, and

WHEREAS, the Contract is contingent upon approval by the Town Board; and

WHEREAS, Town Law §220(2) requires that the Town's purchase of any necessary building for town purposes and the acquisition of necessary lands thereof be subject to a permissive referendum under Town Law §90 and 91; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board finds that the

Morelock Parcel is suitable for an EMS building for reasons including, but not limited to, ease of access and proximity to residents of the Town; and

BE IT FURTHER RESOLVED that, pursuant to the provisions of Town Law §220(2), the Town Board hereby authorizes and approves the purchase of the Morelock Parcel by the Town on the terms set forth in the Contract TBD , at a cost to the Town of Mooers not to exceed \$129,900.00; and further approves the proposed use of the Morelock Parcel for use as an EMS building, subject to a permissive referendum; and

BE IT FURTHER RESOLVED that, pursuant to Town Law §90 and 91, within ten (10) days from the date of this resolution, the Town Clerk, in the same manner as provided for notice of a special election, shall post and publish a notice which shall set forth the date of adoption of this resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum; and shall publish such notice in the Press Republican, a newspaper published in Clinton County having general circulation in the Town, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town, a copy of such notice within ten (10) days after the date of the adoption of this resolution.

Discussion: No

Motion: Supervisor Menard

Seconded by: Councilperson Perras

Roll Call Vote: The result of the Roll Call was 5 AYES (Councilperson Perras, Councilperson Boulterice, Supervisor Menard, Councilperson Bulriss, and Councilperson Breyette) and 0 NOES.

Therefore, Supervisor Menard declared **Resolution #25-2018** as carried.

Court: Supervisor Menard asked if anyone from the office of Court would like to address the board. No person was present wishing to address the board.

Code Enforcement: Supervisor Menard asked if anyone from the office of the Code Enforcement would like to address the board. No person was present wishing to address the board.

Old Business:

Old Business 1) Supervisor Menard explained that the new LED lights were replaced in the courtroom, town building, fire station and town garage. They will use less electricity.

Old Business 2) Councilperson Breyette asked Supervisor Menard if there was any new information on the 16 Garrard Road property. Supervisor Menard is going to check with Code Enforcement Officer, Mr. Jess Dixon, to discuss the progress on clean up.

New Business:

New Business 1: Supervisor Menard discussed that NCCS systems came in and provided him with a quote of \$6,800.00 to install a PA system in the court room, as well as a security system for the Court Room, Town Offices and Highway Department. There is a grant through the court system grant that Court Clerk, Mrs. Jessica Bulriss, and Secretary to the Supervisor, Mrs. Rena Bosley, have been working on that will pay for this. Town Clerk Kelly L. McDonald introduced the resolution.

RESOLUTION FOR COURT CLERK TO APPLY FOR JCAP GRANT

Whereas; The Court Clerk would like to apply for a 2018 JCAP Grant to purchase a surveillance system for the court, town office building, and highway department; an audio system for the court room; central air; and paving of parking lot.

BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS AUTHORIZES THE COURT CLERK TO APPLY FOR A JUSTICE COURT ASSISTANCE PROGRAM GRANT.

MOTION: Councilperson Bulriss

SECOND: Councilperson Perras

ROLL CALL: The result of a Roll Call was 5 AYES (Councilperson Perras, Councilperson Boulerice, Supervisor Menard, Councilperson Bulriss, and Councilperson Breyette) and 0 NOES.

Therefore; Supervisor Menard declared **Resolution #27-2018** adopted.

New Business 2: When the former Court Clerk retired, the petty cash was cashed out in her name. Therefore, Mrs. Bulriss, Court Clerk, has a need for petty cash to make change for fines and such. Town Clerk, Kelly L. McDonald introduced the Petty Cash Fund Resolution for the Court Clerk.

RESOLUTION TO ESTABLISH PETTY CASH FUND FOR THE OFFICE OF THE COURT CLERK

Whereas: There is the need for the office of the Court Clerk to have change for payments of fines and surcharges.

BE IT HEREBY RESOLVED THE COURT CLERK BE ALLOTTED THE SUM OF \$200.00 FOR PETTY CASH.

Motion: Councilperson Boulerice

Seconded by: Councilperson Bulriss

Discussion: None

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

Therefore; Supervisor Menard declared **Resolution # 26-2018** adopted.

New Business #3)

Public Hearing 1- Town Clerk, Mrs. Kelly L. McDonald, read Local Law #1-2018.

SECTION I: TITLE

A local law increasing the term of the office co Supervisor from two (2) to four (4) years.

SECTION II: STATUTORY AUTHORITY

This local law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

SECTION III: INCREASE IN TERM OF OFFICE

The term of office of the elected Town Supervisor shall be four (4) years. Such four year term shall commence as of the first day of January, 2020, and shall apply to the person elected to said office at the biennial town election to be held on November 5, 2019 and to those elected thereafter, provided a proposition submitted pursuant to Section IV herein is approved.

SECTION IV: MANDATORY REFERENDUM

This local law is adopted subject to mandatory referendum, and shall be submitted for approval of the qualified voter of the Town of Mooers at the general election to be held on November 6, 2018. A proposition in the following form shall be included on the ballot at such general election, and the increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voter voting thereon:

“Shall Local Law #1-2018, entitled A local law Increasing the term of office of town supervisor from two to four years be approved?”

SECTION V: SUPERSESSION

This local law shall supersede Town Law, Section 24 relating to the term of office for Town Supervisor of the Town of Mooers.

SECTION VI: EFFECTIVE DATE

This local law shall become effective immediately upon filing with the Secretary of State after approval by a majority of the qualified voter of the Town of Mooers at the general election to be held on November 6, 2018

Public Hearing 2) Town Clerk, Mrs. Kelly L. McDonald, read Local Law #2-2018.

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c

Be it enacted by the Town Board of the Town of Mooers as follows:

SECTION I: LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Mooers pursuant to the General Municipal Law § 3-c, and to allow the Town of Mooers to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

SECTION II: AUTHORITY

This local law is adopted pursuant to the subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax cap by the adoption of a local law approved by the vote of sixty percent (60%) of the Town Board.

SECTION III: TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Mooers, County of Clinton is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law § 3-c.

SECTION IV: Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION V: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

New Business 4) Supervisor Menard discussed Dollar General, he has not heard any new information. Supervisor Menard stated that they have their building permit but unsure when they will start with construction.

New Business 5) Supervisor Menard rescheduled the October 2018 Town Meeting due to the Columbus Day Holiday. The meeting for October 2018 will take place Wednesday October 10, 2018.

Public Comment:

Public Comment 1: Steven Young, 9 East Street, spoke about the house neighboring him, 13 East Street. Mr. Young stated there was garbage and other junk spilling out of the house and on the property. It does not seem that the house is occupied at this time. Mr. Young is also concerned about the yard being unkempt and the various wildlife that has been seen there. Mr. Young has reached out to Code Officer, Mr. Jeff Dixon, who stated something was being done about it. Mr. Young has also tried reaching out to the property owner but is unable to, as he has moved out due to the house being condemned. Supervisor Menard stated he would speak to Mr. Dixon to see what is being done. There was further public discussion on code enforcement and if there were ways to improve or assist Mr. Dixon. There was also further discussion on fines and follow up once citations have been presented to people. There was discussion as whether or not the Judges were fining people the maximum amount if they have not cleaned up their properties as cited.

Public Comment 2: Mr. Phil Perry spoke concerning the paving on the Barcomb Road. Mr. Perry stated that he has spoken to Highway Superintendent, Mr. Kris Gilmore, about this concern. Supervisor Menard stated that at the previous meeting Mr. Gilmore was instructed to fix this issue and that he had 30 days to do so. Mr. Perry said if this was not fixed within the 30 days, he would hire it done and present the town with a bill. Supervisor Menard stated that he would speak with Mr. Gilmore about this. Mr. Perry also discussed the concern of the stones that have been placed and that they have ended up in the intersection. Mr. Perry is concerned that it is a safety issue.

Vouchers:

General Town Wide	Voucher 193-220	\$9,950.47
Highway	Voucher 161-173	\$9,005.41
Trust & Agency	Voucher 34-37	\$13,418.70
Union & Riverside Cemetery	Voucher 44-46	\$260.37
Mooers & Mooers Forks Lights	Voucher 215	\$1,099.51

Total of Abstracted Vouchers Paid **\$33,734.46**

Adjourn: Councilperson Menard made a motion for the meeting be adjourned. All in favor. Thus, Supervisor Jeff Menard declared the motion carried. Meeting adjourned at 8:00 PM.

Respectfully Submitted,

Kelly L. McDonald, TOWN CLERK