

Regular meeting of the Mooers Town Board was held on Tuesday August 14, 2012 at the Mooers Office Complex.

Present: Those present for the Meeting were Supervisor Cory Ross, Councilman Earl Robinson, Councilman Steve Barcomb, Councilman Eugene Bushey, Councilman Gerald LaValley, Highway Superintendent Eugene (Dick) Boulerice and Carol Payne taking the Minutes for Town Clerk Shirley A Gadway who had to order a new pair of hearing aids and they haven't arrived yet.

In Attendance: Attending the Meeting were Town Clerk/Tax Collector, DCO Kayleigh LaBombard, CEO Jess Dixon, Fire Chief Raymond Phair, Librarian Jackie Madison, Library Board Members Susan and Katie Evans, Zoning Board Chairman Gary Provoncha, Resident Harry Gonyo, Fireman Jeff Menard, Fireman Auxiliary Member Myrtle Hawksby, Resident Larry Begor, Mr. Mundy of the Assisted Living/Senior Housing project (old K of C building) and George Martin Senior Consultant for "Ambit Energy".

Meeting: Supervisor Ross called the Meeting to order at 7:00PM, then he asked Town Clerk Shirley A Gadway to lead them in the recital of the "Pledge of Allegiance", which she did.

Minutes: Supervisor Ross asked the Board Members if they had a chance to read the Minutes Draft of the July 10, 2012 Meeting. He asked if there were any admissions or corrections and no one said anything, then Supervisor Ross in the minutes it was stated the fire Department purchased a brush truck (**The Correction was it was a pump for the pump house as noted by Supervisor Ross**). Councilman LaValley made a motion the Minutes of July 10, 2012 be accepted as corrected and Councilman Bushey seconded the motion. The result of a Roll Call was 5 AYES (Supervisor Ross, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES. Thus Supervisor Ross declared corrected Minutes are accepted as written.

DCO: Dog Control Officer, Kaleigh LaBombard, told the Board that Duprey Feeds in Chazy donated 45 bags of dog food to the shelter. Kaleigh wanted to know if there were any laws that prohibit her from accepting donations or holding fund raisers for the Mooers Animal Shelter. She said the money would all be accounted for and only used for the Shelter to make it a better temporary home for all the animals housed at the shelter. Councilman Barcomb made a motion that the following resolution adopted

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS GRANT THE DOG CONTROL OFFICER PERMISSION TO ACCEPT DONATIONS AND TO HOLD FUN RAISERS TO RAISE MONEY TO BENEFIT THE SHELTER AND THE ANIMALS HOUSED THERE, AS LONG AS AN ACCOUNTING OF THE MONEY RECEIVED IS REPORTED TO THE TOWN**

Councilman Bushey seconded the motion and the result of a roll call was 5 AYES (Supervisor Ross, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES. Therefore, Supervisor Ross declared **Resolution #28-2012** is adopted.

The DCO turned in her report for July 2012 which contained the following: On 7/1--DCO for Altona delivered stray beagle==(owner unknown)---On 7/2--Joanne Orr donated to shelter kennels, toys, blankets, etc. also Pit Bull adopted by people from Plattsburgh (delivered dog to them)---On 7/4 six (6) male puppies were born---On 7/6--Brought dog to Palmers for rabies shot and Beagle was claimed by Justin Morts {Indian Reservation} and Heather Jubert found stray beagle on Joe Wood Rd.==(Altona DCO refused to pick up)---On 7/7--Got call dog found on Trombley Lane/Chazy, went to get dog but owner already found and Received call from Linda Fortsch about neighbor (Bill Pelton) dog barking==(nuisance)---On 7/9--Received call from landlord at 3 Pleasant Valley Rd. about dog that jumps & nips at people (owner "Tara Brdicks has received previous warnings)---On 7/10--went to Tara's home (no one there issued ticket)---On 7/11--went to Tara's home ==(no one there issued another ticket)---On 7/12==Tara called ==(went to see dog, wasn't aggressive so withdrew ticket)---On 7/13==picked up large stray male dog at 164 Fiske Rd., Chazy and The female chihuahua was adopted by people from Saranac---On 7/17 Brought dog to Palmers for Rabies Vacc. and met in Plattsburgh with person adopting dog and Tim Hurley of Fiske Rd. Chazy redeemed black dog--On 7/19 received call from Health Department regarding a dog biting someone and owner {Tina Phaneuf of 34 Academy Rd. W.Chazy not returning calls.---On 7/20-- On Stone Rd 2 pugs

in yard, went to pick up neighbor had company and dog escaped and went to 34 Academy Rd. W.Chazy to check on dog (Dog acting normal)----On 7/22==Man from Lake Shore Rd. Chazy called lost Beagle (Land called found Beagle gave her man's phone number)----On 7/23==Lady from 230 Stetson Rd. Chazy called found Black Lab (went to pick up, but Lady gone before I arrived) and Bonnie McNabb called lost a Brussels Griffon on Woods Falls Rd.and Lionel Peryea brought stray walker coonhound to shelter----On 7/24==Duprey Feeds in Chazy donated 45 + bags of dog food----On 7/27==Jolene Monette found Fox Hound in river and it had been shot in the leg (Lady called Todd Forette and he told her to have dog shot, but she called Elmore SPCA who gave her DCO number then she brought dog to Shelter)----On 7/18==On Fiske Rd Chazy neighbors dog at 164 Fiske Rd. keep going to neighbors (gave copy of leash law and filed complaint)and Joyce Soamenk says her dog was attacked by Charles River's dog at the Chazy Rec. Park (Police were called sent copy of leash law to Joyce and complaint was filed)

Griffins Fuel hooked up Monitor at DCO shelter, but Kaleigh told them where the monitor is located is not where it is going to stay. Larry Begor said that tomorrow (Wednesday August 15,2012 ) and they'll fix the monitor.

Todd Forette: There are two issues with Todd Forette and they are:

1) Todd (Ex-Dog Control Officer) is not to give any advice to anyone regarding issues with a dog as he is no longer DCO for the Town of Mooers.

2) When Todd Forette left the employment of the Town of Mooers he left a Verizon bill totaling over \$300.00 (for personal calls in excess of the number of minutes allotted to each phone for employees that the town pays [ they are allowed 450 minutes and his minutes were over 1000 minutes]. The Town Secretary after talking with Verizon got them to knock off 25% which still leaves a balance owing of \$255+. Larry Begor said send him a letter and if he doesn't pay the amount due take him to court as that's the only way the Town will be reimbursed.

CEO: Code Enforcement Officer Jess Dixon talked to the Board about the old K of C Building which Mr. Nephew & Mr. Mundy would like to turn into an Assisted Living/Senior Housing.. He said he has met with Mr. Nephew and Mr. Mundy about their past applications. He said he has spoken with Mr. Glenn Cutter and Mr. Cutter sees no reason why this project must be resubmitted to the CCPB. He said the Mr. Nephew & Mr. Mundy has submitted an approved Septic System approved by the DEC and also they have submitted intricate building plans and parking facility plans. Jess Dixon recommends that the Board allow the application to proceed to the Town ZBA for final determination.

Councilman Barcomb made a motion the Board go along with CEO Jess Dixon's recommendation and Councilman Bushey seconded the motion. Results of a Roll Call were 5 AYES (Supervisor Ross, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES, thus Supervisor Ross declared motion carried.

CEO Jess Dixon addressed the Board on a number of issues such as:

1) Jess said a Camper should be considered a single family dwelling. He said campers have the same abilities as a home (bathroom, running water, place to sleep, etc). He said an approved septic, electric and water should be available to set a camper on a lot. Councilman Robinson said there is no set time when the camper will be at the lot.

2) Jess told the Board if he has to post his hours the Town Clerk, Secretary and everyone else should post their hours. Councilman LaValley made a motion that all employees should post their hours and Councilman Bushey seconded the motion. A Roll Call was taken and the vote was 5 AYES and 0 NOES. {What these Board Members don't know is an Elected Official doesn't have to post her hours, but Appointed Employees do}. Thus if an Elected Official so chooses she can post her hours, but he/she doesn't have to.

3) Jess asked the Board for Petty Cash for his office so he can make change for residents getting building permits etc. Councilman Bushey made a motion the following resolution be adopted

**BE IT HEREBY RESOLVED THAT THE CEO BE ALLOTTED THE SUM OF \$50.00 FOR PETTY CASH TO MAKE CHANGE FOR CUSTOMERS ONLY. THE MONEY THE CEO TAKES IN MUST BE**

**ATTACHED TO PERMITS ETC. WITH A COPY OF RECEIPT ATTACHED TO IT AND TURNED OVER TO THE SECRETARY AS MONIES ARE RECEIVED {AS THE SECRETARY MUST HAVE PROOF OF ALL MONEYS COMING INTO THE TOWN FOR THE TOWN AUDIT}**

Councilman Barcomb seconded the motion and the result of a Roll Call was 5 AYES (Supervisor Ross, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES. Therefore Supervisor Ross declared **Resolution #29-2012** is adopted.

4) CEO, Jess Dixon, told the Board he wants a copy of all the local laws in his office. {These Laws are kept in the vault in the Town Clerks Office as the Town Clerk is responsible for the safe keeping of these records}, thus the Town Laws book should not leave the Town Clerks Office. The CEO is welcome to look at the Law Book in the Town Clerk's Office and if he wants a copy of a Law he can take that law out of the book--copy it--then replace the law back in the Book of Laws where it was.

5) Jess said the Zoning Laws for the Town of Mooers should be revised. Councilman Barcomb made a motion the following resolution be adopted

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS REVISE THEIR ZONING LAWS**

Councilman LaValley seconded the motion and the result of a Roll Call was 5 AYES (Supervisor Ross, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES. Therefore Supervisor Ross declared **Resolution #30-2012** is adopted.

The CEO, Jess Dixon turned in his reports for July 2012 and they are as follows:

Building Permits Completed: Alane Manor==build a storage shed.

Bronson Johnson==Build a summer camp

Building Permits Issued: On 7/5--Steven Guay==rebuild storage shed destroyed by fire---On 7/19--David Barcomb==build a addition on existing mobile home, On 7/19--Steven Hapgood==tear down and rebuild storage shed on existing slab, On 7/19--Mooers Campground Assoc.==build extension on existing pavilion---On 7/26--Francis Roberts==repair existing mobile home and install frost protected slab, and On 7/26--Mark Zin & Ashley Cayea==erect unattached garage---On 7/27--Gordon McClure==remove existing single wide trailer & replace with new single wide trailer, and On 7/27--Vernon Spinner==install 29' pool---On 7/31--Jesse LaValley==erect storage shed.

Violations: On 7/26--Ronald R Trombly==no information given in report---On 8/1--Larry Brooks==Violations Property Maintenance Codes of NYS

Highway Department: Highway Superintendent Dick Boulerville told the Board once a year a Safety Class must be held. A motion was made to appoint Jess Dixon as Safety Officer. Motion was seconded by Councilman LaValley and the result of a Roll Call was 5 AYES (Supervisor Ross, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES, thus Supervisor Ross declared motion carried. A Safety Committee must be named.

Library: The Librarian and Library Board members said they were still waiting on a decision as to when and where the New Library will be built. Supervisor Ross said they are still looking and as soon as they decide on a location the Library will be notified. Librarian Jackie Madison said the Press Republican is suppose to be doing an article on the Library and it should be in the paper for three days.

Fire Department: Fireman Jeff Menard told the Board they are in the process of setting up a Volley Ball Court behind the new building that was built. He told the Board they look forward to holding Volley Ball Tournaments. The FireDepartment hand in 3 reports (May, June and July) and they are as follows:

May 2012: Station 1 had 12 calls and Station 2 had 2 calls---Incident Types were 2 MVA, 2 Grass/Brush, 1 Chimney, 1 Power Lines and 1 EMS Assist---Mutual Aid to 2/Champlain, 2/Hemmingford, 1/Beekmantown and 1/Morrisonville---Fuel used was Gas=19.2 gallons and Diesel=71.4 gallons.

June 2012: Station 1 had 5 calls and Station 2 had 1 call--Incident types were 3 MVA, 1/Power lines and 1/EMS Assist, Fuel used Gas= 60.2 gallons and Diesel=88.5 gallons.

July 2012: Station 1 had 9 calls and Station 2 had 3 calls--Incident Types = 4 /MVA, 1/Grass/Brush, 2/Power Lines and 1/flooded basement--Mutual Aid to = 1/Hemmingford== Fuel used Gas= 45.6 gallons and Diesel = 121.5 Gallons.

The Town also received an invitation to participate in the Fireman's Parade on Memorial Day September 03,2012.

NYSDEC: Recieved correspondence from NYSDEC regarding a meeting they are having on August 16,2012 regarding massive bank erosions and restoring rivers to their natural flow.

Town of Stafford: The Town of Mooers received a letter from the Town of Stafford stating they have received a proposal from "Erdman Anthony" who wants to serve as the Towns consultant for engineering services. The letter states that Erdman Anthony has given The Town of Mooers as a reference. The Town of Stafford would appreciate all info we can give them on this.

Ambit Energy: "George Martin" ,Senior Consultant for Amb it Energy, gave a presentation at the Board Meeting. He said "when the previous Supervisor was here the Board voted not to switch to this Energy Company. He said he has a number of Towns who have switched including Altona ,the Town that our Supervisor's dad is the Supervisor of, as switching. The Board was told there is no cost to switch and no contract to sign. Mr. Martin said if after 12 months there has been no savings the Town would receive a check in the amount of extras it had to pay.

Deferred Compensation Plan: The Town received a letter from Bradley Harte/Account Executive for NYS Deferred Compensation Plan. They wanted to thank Supervisor Ross for taking the time to meet with them.Enclosed with the letter was an Employer Contract and a sample Resolution to adopt the NYS Deferred Compensation Plan.

Recreational Director: Alfie LaDuc was the Recreation Leader for the Youth Sports Program, but he handed in his resignation as he will be moving. The Town advertised for applicants interested in this position. The Board members met by themselves and decided that Tyson Dumas would be the person to fill the position of Recreational Leader in the Town of Mooers.

Railroad Bed: What to do with the Railroad Bed, land that was donated by John Caron in 2006 to make a bike trail between Mooers School and Champlain school came up again. Does the Town sell it and how. Secretary Carol Payne asked If the Town decides to sell the Railroad Bed shouldn't it go up for bid and shouldn't it be advertised in legals as land to be sold by bid.

Recreational Leader: Supervisor Ross said at some point in time a meeting was had with the Board Members and selected candidates only to select someone to replace Alfie Ladue who is no longer interested and is moving. The person selected to be the new Recreational Leader was Tyson Dumas.

Clarification from Town Clerk: Town Clerk Shirley A Gadway contacted the Association of Town Lawyer (Lori Mithen) regarding some issues taken place in the Town of Mooers and they are:

1) The Town Clerk was told by Supervisor Ross that he can appoint a Deputy for the Town Clerk and Shirley said I appoint my own Deputies and the board decides if they are compensated for their work. (Response from AOT Lawyer {Town Law 30 section 10 authorizes the Town Clerk to appoint up to three Deputies, with the Board determining if there will be any compensation})

2) Since May there have been 3 changes in positions by meetings held behind closed door and nothing (date, who attended the meetings, candidates submitting applications or vote on jobs). None of the above was given to the Town Clerk, so the minutes reflect no changes in these 3 positions other than a different name is put in the minutes on their reports. (Response from AOT lawyer {The Town Board may vote in executive session to fill vacancies in the named offices. If the Board takes action in executive session minutes must be produced within one week of the session [Open Meetings Law, 105 section 1 f] All votes must be properly recorded in the minutes [Open Minutes Law 106 section 2]}).

3) Un-Appoint a Deputy (Response Town Clerk may appoint or remove a Deputy Town Clerk at her pleasure {Town Law 30 section 10}).In the event that the Town Clerk is absent and there is no duly appointed and **qualified** first Deputy Town Clerk the Board may appoint as Deputy Town Clerk any person other than a Town Board Member provided that person is **qualified** {as provided in section 3 of Public Officers Law}.

Attached to the above correspondence with the AOT Lawyer Town Clerk Shirley A Gadway also turned in a document Un-Appointing her Deputy Town Clerk Carol Payne.

The Boards last order of business was to confront the Town Clerk on the above mentioned correspondence. #1 The Town Clerk was asked by Supervisor Ross why I did this and my response was "When I told you 2 months ago at the Town Board Meeting that you couldn't appoint my deputy I went into my office and read what the law says in my Town Clerk Book". Since I wasn't believed I went to the AOT Lawyer to get clarification on this and what laws pertain to this issue. I explained to the Board that I am responsible for all monies and other certified papers that goes thru my office and if you were to put someone in my office and something was done wrong or monies were missing I'm the one held accountable for this. I take responsibility for myself not someone else.

2) I wanted to know the law before telling the Board they are not following the Laws and by not putting anything in the Minutes on appointments part of the history of the Town is left blank.

3) As for me un-appointing my Deputy, as per Supervisor Ross the Board doesn't want to pay a deputy, they don't want 2 people in this office and Carol is not qualified in all aspects of my duties as Town Clerk/Tax Collector.

At this point the Board Members and people attending the Meeting started asking the Town Clerk question.1) Supervisor Ross asked why am I un-appointing Carol as my Deputy and my response I'm following the Boards wishes. They don't think 2 people are needed in the Clerk Office. Secondly Carol has not been trained in all the duties of my job and how to do them . When I was out after heart surgery she would take customer money for dog licenses and /or taxes and put the money in the vault. When I returned I did up the dog licenses and paid tax receipts and mailed the residents their receipts. **Note** I told the Board that before I un-appointing my Deputy I asked her if she was ok with this and she said yes, that she didn't want to be stuck in the Town Clerk Office after I was gone. 2) Jess Dixon asked you mean because you train people they are qualified and I told him no, but If I teach a person what I know about this job (7 years as Clerk and 25 years as tax collector) then every January the AOT has a school in Albany for all new town officers. I told Jess that Cory could have went but he opted not to, but after this schooling the new officer receives a certificate from the AOT showing they have been trained and are qualified for their position. 3) Harry Gonyo said he has it from a good source that I will be resigning and I told him I told the Board this last month. He asked me when and I told him when I decide he and everyone else will know at the same time. 4)Councilman Robinson asked what I meant by qualified and I responded someone who knows how to do the many aspects of my job. 5) Town Clerk Gadway told him I offered to train to a deputy of my choice and you turned it down. Supervisor Ross said you picked someone nobody knows and I said to the Board members especially "Councilman LaValley you're saying you don't know the Bosley family. You lived in the the Hamlet of Mooers Forks where the Bosley family lived and you don't know them". Supervisor Ross said the Board should pick some candidates or the position should be advertised in the paper. Town Clerk Gadway told them you pick someone you might want and let me know who you decide on. Supervisor Ross said the person chosen will hold the position for the rest of my term once I resign and the Town Clerk answered him No, this is an elected position and they can hold the position to the end of the year then a special election will have to be held to choose a new Town Clerk/Tax Collector to finish my term.

Vouchers: The audited vouchers to be paid off the abstracted vouchers on July 10,2012 are as follows:

General-Townwide------(Vouchers 000 - 000)-----\$ 10,882.28

Highway-Townwide------(Vouchers 000 - 000)-----\$ 107,077.57

Mooers Fire Protection------(Vouchers 000 - 000)-----\$ 2,323.79  
Mooers Forks Lighting------(Voucher 000)-----\$ 335.60  
Mooers Lighting------(Voucher 000)-----\$ 569.38

**Total of abstracted vouchers paid-----\$ 121,188.62**

Adjourn: Councilman Barcomb made a motion to adjourn the meeting and Councilman Bushey seconded the motion. The result of a Roll Call was 5 AYES and ) NOES. Thus Supervisor Ross declared Meeting adjourned at 8:30 PM.

Respectfully Submitted,

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SHIRLEY A GADWAY, TOWN CLERK/TAX COLLECTOR  
TOWN OF MOOERS