

Regular meeting of the Mooers Town Board was held on Tuesday June 08, 2010 at the Mooers Office Complex.

Present: Present at the meeting were Supervisor Rudolph Miller, Councilman Earl Robinson, Councilman Steve Barcomb, Councilman Eugene Bushey, Councilman Gerald LaValley and Town Clerk/Tax Collector Shirley A Gadway. Absent was Highway Superintendent Eugene (Dick) Boulerice who is attending a Highway School in Ithaca, New York.

In Attendance: Attending the meeting were Resident Kelly Gooley and her son Derrick, Resident George Zeeman, Resident Rene Coupal, Insurance Agent Andree' LaBarge and Mooers Fire Chief Raymond Phair.

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

Minutes: A copy of the May 11, 2010 minutes was given to each Board Member prior to the meeting. Supervisor Miller asked the Board Members if they had read their copies of the minutes, which they had. The members were then asked if there were any omissions or correction, of which there was neither. Councilman Robinson made a motion the minutes be accepted as written and Councilman Bushey seconded the motion. The result of a Roll Call was 5 AYES (Supervisor Miller, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES. Therefore Supervisor Miller declared minutes accepted as written.

Rene Coupal: Supervisor Miller asked resident Rene Coupal who resides on the Herrick Road if he would like to address the Board and he said yes. Mr. Coupal said he was upset with the ditching done on his property. Mr. Coupal said he told Highway Superintendent Boulerice, when the work was being done, that the pitch of the digging was wrong. He said he paid \$2000.00 of his own money for the culvert. Mr. Coupal said he talked with Mr. Boulerice three weeks ago and was told they would come look at the problem, but to date hasn't showed up. Rene Coupal said he wished Superintendent Boulerice was here for the meeting so he could confront him. He said he wants the mess fixed NOW. Supervisor Miller asked Mr. Coupal for his telephone number and said as soon as Highway Superintendent Boulerice returns they'll call him and get the problem taken care of.

Kelly Gooley: Resident Kelly Gooley, of the Green Valley Road, addressed the Board about her dog being attacked by a stray Pit Bull and her not being able to get in touch with the Dog Control Officer. She said on 5/22 two stray Pit Bulls were on her property. She called Dog Control Officer, David Underwood, four (4) times and he didn't return her call for twenty-two (22) hours. Kelly said the Pit Bulls were in her back yard and her dog had to go to the bathroom. She put her dog on his leash and took him out the front door. The Brindle Pit Bull attacked her dog causing puncture wounds. She was yelling and trying to get the stray dog to let go of her dog. Her 14 yr. old son came out and got the Pit Bull off her dog. She called 911 and Trooper Consanti came (he tried to contact the DCO Underwood, but couldn't reach him so he put the Pit Bull in Kelly's shed. About 4 PM her neighbor, George Zeeman, took the Pit Bull out of Kelly's shed and brought it to his property. Kelly's dog was treated at Palmer's Vet. Clinic and released. She showed the Board pictures of her dog which showed wounds caused by the attack. Kelly said she was very upset that the DCO didn't acknowledge her calls for help for 22 hours. Supervisor Miller said the DCO's job is only part-time and she said he could have at least made a courtesy call.

George Zeeman: Resident George Zeeman, of Green Valley Road, is neighbor to Kelly Gooley. He gave each Board member a notarized letter stating he would like to adopt the Brindle Pit Bull and he will take full legal responsibility for the dog. He states if there are any negative actions by the dog to another person or pet he will take necessary actions including putting the animal down. Mr. Zeeman told the Board he wants to have the Pit Bull evaluated by a vet for any vicious tendencies. He said he didn't feel the Pit Bull was vicious and Kelly said it did have my dog by the throat. Mr. Zeeman requested the Board grant him custody of the dog. Supervisor Miller told Mr. Zeeman that the vet had been contacted prior to the Board Meeting and the vet advised the Town not to let the dog be adopted. Mr. Zeeman asked a copy of his letter be

delivered to the vet with the dog when it goes for an evaluation. Supervisor Miller said the final decision regarding the Pit Bull will be up to the vet.

Andree' LaBarge: Insurance Agent Andree' LaBarge reported to the Board regarding Workers Compensation for the Fire Department, which comes up for renewal 07/01/2010. She had quotes from "Glatfelter Brokerage Services and from NYS Public Entities Safety Group 497. Supervisor Miller said the Town of Mooers has been with NYS Entities Safety Group 497 for about 6 years. There is only about \$1000.00 difference in the two companies, but if the Town splits some of the coverage they could lose on their dividends they receive. Councilman Bushey made a motion the following resolution be adopted

BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS KEEP THE WORKERS COMPENSATION INSURANCE WITH ONE COMPANY "NYS PUBLIC ENTITIES SAFETY GROUP 497"

Councilman Robinson seconded the motion and the result of a Roll Call was 5 AYES (Supervisor Miller, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES. Thus, Supervisor Miller declares **Resolution #25-2010** is adopted.

Highway Workers Request: Councilman Robinson met with the Highway Workers regarding their contract request and he gave a copy of their request (dated 06/03/2010) to each Board Member. The request they are asking for and the Board's response is as follows:

A) 3% raise 1 year - question insurance issue (Board = 3% raise ok however Insurance Company sets insurance rates the Town doesn't control them)

B) Winter Coat and Summer Coat (Board = request for heavier coat for winter ok, but not until uniform contract comes up for renewal 01/01/2011, also Board agreed there should be reflective stripes on coats for safety reasons.

C) Request 2 additional holidays [Presidents Day - Veterans Day - Election Day - and 1/2 day off day before New Year's] (Board = agree to give them Veterans Day)

D) 41 day option [unused sick days] retirement (Board = hold off on this, it was offered once and declined)

E) Request trade off of overtime/weekends. Form to decline overtime (Board = leave as it is)

F) 7.5 Bereavement Leave 5 days - immediate family

3 days - extended family

(Board = 5 days - immediately family [death and burial]

3 days - [Aunts & Uncles {use same language as is in contract}])

G) 6.4.1 Request if payment is not received on payday that a manual issue of a check by close of business that day and/or direct deposit (Board = can't transfer money on holidays or weekends - payroll can't be done until payroll sheets and overtime sheets are received in a timely manner {if this is what they want the Town wants a 5 day rider}).

H) Request April 1st. to Oct. 31st. work day 5 AM to 3 PM with 1/2 hr. paid lunch (Board = **NO**, this could involve a lot of overtime, stay with 5 day work week)

I) Safety shoes - \$150.00 request non-taxable separate check end of fiscal year (Board = Upon receiving receipt for shoes a check in the amount paid for shoes on receipt with a max. of \$150. will be issued).

J) Request after 10 years earn 1 day per year with a cap at 5 weeks (Board = **NO** a cap of 4 weeks max.)

Library: Councilman Robinson reported that on 06/12/2010 from 1 to 3 Board Members are invited to meet the New Librarian. We don't know who it will be yet.

Burnham: The Town received literature regarding Federal Reinsurance for Health Plan covering Early Retirees. It's suppose to become effective June 1 thru January 1, 2014. They believe funds will be all used up prior to 2014.

Chips: Highway Superintendent Boulerice called from the Highway School he's attending and said they passed a resolution for emergency spending for CHIPS money.

Mooers Forks Recreation Park: Bathrooms are in the new bathhouse. They are painting the walls and the building will be open for this year's summer sports season.

Clinton County Treasurer: Tax Collector, Shirley Gadway, received an e-mail from Jennifer Madore (Sr. tax clerk) regarding a collector requesting the \$2.00 mailing fee be added to the front of the tax bills. The printers will charge a fee for this which will be divided between the towns who opt to have this done on their tax bills. Shirley asked what the cost would be and was told they didn't know yet. Shirley told Jennifer when she finds out to let her know and she will let the Treasurer know if the Town of Mooers is willing to pay the amount or leave the bills as they are now. Also, the Clinton County Treasurer sent a check in the amount of \$444.00 which is for the second notice fees on the balance of Town of Mooers unpaid Tax Bills.

Boy Scouts: Justin Roberts, scout leader, has made a request if Rick Rivers, Justin's Step-son, could do some volunteer work for the Town. It's a project for being a Scout Leader. It was decided it will be alright as long as the Scouts have their insurance agent give a "Certificate of Liability" to the Town of Mooers.

Dog Control Officer: Dog Control Officer, David Underwood, turned in his May report which showed: On 5/6 he received a call from Evelyn Gonyo/pit bull on loose (picked up dog) and Brian Martin on Gilbert Rd./stray dog (no dog found) - On 5/9 Rec'd letter from lawyer in West Chazy regarding dog bite (couldn't find owner) and Chazy Town Clerk, Leo Oliver, sent letter to law firm and Mooers Secretary sent letter to lawyer/West Chazy - On 5/10 Tina from West Chazy and Katie LaBarge from Mooers/not interested in Bassett Hound - On 5/11 Took Bassett Hound to AHS for adoption - On 5/15 Lorraine Martin left message/stray dog - On 5/22 Kevin Bushey/Green Valley called 2 stray dogs with 1 attacking Kevin's dog - On 5/23 George Zeeman with Trooper Consanti picked up pit bull that attacked K.Bushey's dog and DCO went to check out pit bull at G.Zeeman's - On 5/24 rec'd call from Town Clerk, Shirley Gadway, stating K. Bushey & Kelly went to her office & made complaint regarding pit bull attack on their dog and lack of response by DCO, also G.Zeeman wants to adopt the pit bull involved in attack, also David called Janet, NYS Dept. of AG. & Mrkts regarding pit bull and sec. Carol Payne called AHS/they can't take pit bull involved in bite incident - On 5/27 AHS called can take the white & Tan pit bull - On 5/28 delivered white/tan pitbull to AHS.

Mooers Town Clerk received 2 DCO inspection reports showing : A) All dogs are not licensed before release by DCO and B) Impound fees aren't being collected by DCO.

Received letter request from Ellis Law, PC for information Town has regarding dog bite 4/21/10 (we have no information to send) and a request from Martin, Harding & Mazzotti,LLP regarding dog bite 2/20/10 (we have no information to send).

Rouses Point 4th of July Parade: Received an invitation from Peterbilt to enter our New Town Truck in the parade. Councilman LaValley made a motion we accept the invitation and Councilman Barcomb seconded the motion. The result of a Roll Call taken was 5 AYES (Supervisor Miller, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES. Therefore, Supervisor Miller declared motion carried.

Artesian Well: Councilman Eugene Bushey was approached by Barb & Steve Deyo who own land behind land owned by Mr. Kurt DeLong on Rt. 11. and was made aware of a water problem. Councilman Bushey said Mr. Deyo told him that Mr. DeLong has an Artesian well on his land and the excess water is flowing on Mr. Deyo's land. When Mr. Deyo confronted Mr. DeLong about the problem he was told it was his problem, so Mr. Deyo asked Councilman Bushey if he could ask the Town what he should do. Supervisor Miller said there is nothing the Town can do, they'll have to work it out themselves. He said the Town will send a letter to Mr. DeLong asking them to work out a solution amongst themselves.

Mooers Fire District: Fire Chief, Raymond Phair, turned in the May 2010 report which showed: Station #1 had 13 calls and Station #2 had 3 calls - Incident Types were 1-vehicle fire, 1-vehicle accident, 5-grass/brush, 1-powerlines, 1-auto alarm, 1-air supply and 1 carbon monoxide - Mutual Aid to Altona and Champlain - Mutual Aid From Altona, Champlain, Churubusco, Ellenburgh Depot and Hemmingford - Average response time was 2 minutes and fuel used was 88.9 gal./gas and 105.10 gal. diesel.

Chief Phair said the fire truck purchase was a go and he thanked the Town for use of the old fire truck, housed at the Highway Department, they used to help during the fighting the rock fire. He was told by the Board the fire department could use the truck for any in town emergency, but could not use it for mutual aid. Raymond spoke about the issue that carbon monoxide detectors are suppose to be installed in all houses. Fire Chief Phair also said they would try and get to cleaning the cracks in the dam within the next couple of weeks.

911 Numbers: The issue of the County issuing 911 numbers to property owners before building permits, requiring a well and septic, are approved was discussed. This allows property owners, saying they're only building a storage shed, at some later date they change this into living quarters with no well and/or septic (which is in violation of zoning laws). Supervisor Miller will be in touch with the Town Attorney about creating a local law to prevent this from continuing.

NYS Local Retirement: The employees of the Town who are participating in the local retirement had to do a log of 3 months of hours worked so an average work time could be figured out. Everyone who participates did their log except for the Dog Control Officer, David Underwood. Councilman Robinson made a motion the following resolution be adopted

BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS ACCEPTS THE STANDARD WORK HOURS AS WRITTEN BY HIGHWAY SUPERINTENDENT EUGENE (DICK) BOULERICE (8 HRS. A DAY/22 DAY A MONTH), SECRETARY CAROL PAYNE (8 HRS. A DAY/22 DAYS A MONTH), JUSTICE DAVID KOKES (3.75 HRS. A DAY/10DAYS A MONTH) AND BOARD MEMBER STEVE BARCOMB (1.25 HRS. A DAY/3.5 DAYS A MONTH)

Councilman Bushey seconded the motion and the result of a Roll Call was 5 AYES (Supervisor Miller, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES. Thus, Supervisor Miller declared **Resolution #26-2010** is adopted.

Vouchers: Audited vouchers to be paid off the abstracted vouchers on June 08, 2010 were as follows:

General-Townwide-----	(Vouchers 142-168)-----	\$ 15,037.48
Highway-Townwide-----	(Vouchers 92-102)-----	56,277.97
Fire Protection-----	(Vouchers 646-651)-----	1,649.44
Mooers Forks Lighting-----	(Voucher 149)-----	332.45
Mooers Lighting-----	(Voucher 149)-----	<u>567.31</u>
Total of Abstracted Vouchers Paid-----		\$ 73,864.65

Adjourn: A motion was made by Councilman Bushey and seconded by Councilman Barcomb to adjourn the Meeting. A Roll Call was taken with 5 Ayes and 0 Noes, thus Supervisor Miller declared meeting adjourned at 9:45 PM.

Respectfully submitted,

SHIRLEY A GADWAY, TOWN CLERK/TAX COLLECTOR

