

Regular meeting of the Mooers Town Board was held on May 08,2012 at the Mooers Office Complex.

Present: Present for the Meeting were Supervisor Cory Ross, Councilman Earl Robinson, Councilman Steve Barcomb, Councilman Eugene Bushey, Councilman Gerald LaValley, Highway Superintendent Eugene (Dick) Boulерice and Town Clerk/Tax Collector Shirley A Gadway.

In Attendance: Attending the Meeting were Area 1 Legislator Harry McManus, Town Secretary Carol Payne, Resident Susan Miller, Dog Control Officer Todd Forrette, Librarian Jackie, Library Board Members Susan and Katie Evans, Resident Larry Begor, Resident Harry Gonyo, Code Enforcement candidate Jess Dixon, Zoning Board Member Gary Provoncha and Fire Chief Raymond Phair.

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

Minutes: Supervisor Ross asked if they had all read the March Minutes, which they had, and then he asked if there were any omissions or corrected of which there was neither. Councilman Bushey made a motion the Minutes be accepted as written and Councilman Robinson seconded the motion. The results 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.

Jess Dixon: CEO Candidate Jess Dixon read a paper he had composed stating why he'd like to be CEO and what he feels qualifies him for the job. The Board told him they would be looking over all the applications and they could be having interviews with the candidates and whomever was chosen would be notified.

Library: Representing the Library were Librarian Jackie and Board Members Katie and Susan Evan. Katie said they have received a Grant of \$11,000.00 to help pay for a handicap ramp. The Town Board was told they need to have handicap accessibility to both floors of the Library or only one floor can be used. Katie said they could possibly receive an additional \$11,000.00 if they add on. There is a place in Vermont and Schenectady New York that do lifts. They will try to get some prices from these companies. Resident Harry Gonyo said in his opinion it is a waste of money to keep putting money into this building with limited land. He said they could build a new building for about \$50,000.00 rather than just keep throwing money into this existing building. The 2012 inventory of the Mooers Free Library is \$17,250.00.

Training of Highway workers: The training classes will be held 4 times a year at a cost of \$450.00 to \$500.00. They are trying to get 4 Town to sign up for training at the same time. Each Town will supply the refreshments when the meeting is held in their town. There is one stipulation everyone must attend. The Town of Chazy said they don't want to be part of the group of towns.

Uniforms: The Highway workers have to make a choice if they want to keep the coverall from the uniform cleaning company or if they want a second jacket. Three of the six have turned in their coveralls and received their jackets, but the other three have to decide soon or they will have to keep their coveralls and won't receive the extra jacket. They won't be able to receive another jacket for six years. Councilman Robinson said he will be speaking with the Union Rep.

Fire Department: Fire Chief turned in the report for February 2012 and the Report for April 2012. The February 2012 Report showed the following: Station #1 had 3 calls and Station #2 had 0 calls----Incident types were 1-chimney and 1-CO2----Mutual Aid To were 1-Altona----Average response time was 2.2 minutes and no fuel use was recorded on report. The April 2012 Report showed Station #1 had 6 calls and Station #2 had 3 calls----Mutual Aid to were 1-Chazy and 1-Ellenburgh Depot---Average Response time was 3.5 minutes. Supervisor Ross wanted to know how they were coming with the water treatment issue, however there was nobody to update the Board Members.

Harry McManus: Area 1 Legislator Harry McManus attended our May Meeting to update us on some of the projects being worked on. Some of the issues talked about were:

1) Sales Tax Revenue----the sales tax revenue to date is up approx. \$400,000.00 of which the Town of Mooers will get 4%.

2) Election District Consolidation----some of the Towns that have multiple Election Districts will be consolidating them. The Town of Mooers has 3 districts (Cannon Corners, Mooers Forks and Mooers) from now on there will be 2 districts (Cannon Corners and Mooers). By consolidating the Towns in Clinton County will save approximately \$53,000.00.

3) Public Transportation----Clinton County is going to be cutting back on their service and this will save the County approx. \$85,000.00.

4) Airport----Direct Air has filed bankruptcy but the Airport is working to bring Pen Air to Plattsburgh-- --The Airport expansion should be complete in 2014 then we'll see expanded service----Approx. 150,000 to 160,000 have people entered the building .----Councilman Robinson asked Mr. McManus if a Chamber Development Corporate Sponsor will be sponsoring Bombardier anytime soon.

Code Enforcement Officer: CEO Bob West handed in his resignation stating "Due to many factors I am resigning as Code & Zoning Officer as of today 4/30/2012. He gave his resignation to Supervisor Ross. Supervisor Ross told the Board that the CEO in Champlain said he could help us with the paperwork and the CEO (Matt Bell) from said he could help us until we find a replacement. An advertisement to fill the position has been placed in the Press-Republican newspaper. Until this happens the following resolution #15-2012 has been adopted

**RESOLUTION GIVING PERMISSION FOR SECRETARY TO THE SUPERVISOR
TO HAND OUT BUILDING PERMITS IN THE ABSENCE OF A CODE ENFORCEMENT OFFICER
AND TO STRAIGHTEN UP THE FILES IN THE CEO'S OFFICE**

Whereas; Code enforcement Officer Bob West has resigned his appointed position ,and

Whereas; For the last couple of months no filing was done and permits were incomplete, and

Whereas; Before we get someone to take Mr. West's position the paperwork must be put in order and the files must be updated, and

Whereas; After some discussion Councilman Barcomb made a motion the following resolution be adopted

BE IT HEREBY RESOLVED THAT THE SECRETARY TO THE SUPERVISOR BE GRANTED PERMISSION TO HAND OUT PERMITS IN THE ABSENCE OF A CODE ENFORCEMENT OFFICER AND SHE ALSO BE GRANTED PERMISSION TO STRAIGHTEN UP THE PAPERWORK AND FILES IN THE CEO'S OFFICE UNTIL THE TOWN HIRES A NEW CODE ENFORCEMENT OFFICER, and

Whereas; Councilman 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 #15-2012** is adopted.

Procurement Policy: General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services so the following resolution was adopted by the Town of Mooers

RESOLUTION TO ADOPT PROCUREMENT POLICY

Whereas; As per General Municipal Law (GML) every Town must adopt internal policies and procedures as per GMC Section 103, and

Whereas; After some discussion Councilman Robinson made a motion the following Resolution be adopted

BE IT HEREBY RESOLVED THE TOWN OF MOOERS ADOPT A PROCUREMENT POLICY WITH THE FOLLOWING GUIDELINES #1 EVERY PROSPECTIVE PURCHASE OF GOODS AND/OR SERVICES SHALL BE EVALUATED TO DETERMINE THE APPLICABILITY OF GML

#2 ALL PURCHASES OF EQUIPMENT OR SUPPLIES TOTALING OVER \$20,000.00 OR PUBLIC WORKS CONTRACTS OVER \$35,000.00 IN THE FISCAL YEAR MUST BE FORMALLY BID PURSUANT TO GML, SECTION 103

#3A ALL PURCHASES MORE THAN \$10,000.00 BUT LESS THAN \$20,000.00 REQUIRE A REQUEST FOR PROPOSAL AND WRITTEN QUOTES FROM MINIMUM OF

2 VENDORS AND PURCHASES MORE THAN \$1,000.00 BUT LESS THAN \$10,000.00 REQUIRE WRITTEN QUOTES AND PURCHASES LESS THAN \$1,000.00 ARE LEFT TO THE DISCRETION OF THE PURCHASER #3B ALL ESTIMATED PUBLIC WORKS CONTRACTS GREATER THAN \$20,000.00 BUT LESS THAN \$35,000.00 REQUIRES A REQUEST FOR WRITTEN QUOTES FROM A MINIMUM OF 2 VENDORS AND IF MORE THAN \$10,000.00 BUT LESS THAN \$20,000.00 REQUIRES WRITTEN PROPOSALS FROM MINIMUM OF 2 CONTRACTORS AND \$10,000.00 OR LESS REQUIRES AN ORAL PROPOSAL FROM AT LEAST 2 CONTRACTORS (ALL PROPOSALS SHALL DESCRIBE THE GOODS, QUALITY AND THE PARTICULARS OF DELIVERY) {ALL INFORMATION GATHERED WITH THE PROCEDURES SHALL BE PRESERVED AND FILED WITH THE DOCUMENTATION}

#4 THE LOWEST BID OR PROPOSAL SHALL BE AWARDED THE PURCHASE OR PUBLIC WORKS CONTRACT UNLESS A WRITTEN JUSTIFICATION IS PROVIDED AS TO WHY THE LOWEST WASN'T SELECTED AND THE FACTS SHALL BE FILED WITH THE PROPOSAL OR QUOTATIONS RECEIVED

#5 A GOOD FAITH EFFORT SHALL BE MADE TO OBTAIN THE REQUIRED NUMBER OF PROPOSALS OR QUOTATIONS (IF THE REQUIRED NUMBER CAN'T BE OBTAINED THE REASON SHALL BE ATTACHED TO THE FILE AS TO WHOM YOU APPLIED

#6 EXCEPT WHEN DIRECTED BY THE TOWN BOARD, NO SOLICITATION OF WRITTE N PROPOSALS OR QUOTATIONS SHALL BE REQUIRED UNDER THE FOLLOWING CIRCUMSTANCES:

- A) ACQUISITION OF PROFESSIONAL SERVICES
- B) EMERGENCIES
- C) SOLE SOURCE SITUATIONS
- D) GOODS PURCHASED FROM AGENCIES FOR THE BLIND OR SEVERLY HANDICAPPED
- E) GOODS PURCHASED FROM CORRECTIONAL FACILITIES
- F) GOODS PURCHASED FROM ANOTHER GOVERNMENTAL AGENCY
- G) GOODS PURCHASED AT AUCTIONS; OR
- H) GOODS PURCHASED ON STATE/COUNTY CONTRACTS

#7 THIS POLICY SHALL BE REVIEWED ANNUALLY BY THE TOWN BOARD AT THE ORGANIZATIONAL MEETING

Whereas; Councilman LaValley seconded the motion and a result of the Roll Call was 5 AYES (Supervisor Ross, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES, and

Therefore Supervisor Ross declared **Resolution #16-2012** is adopted

Code of Ethics Policy: According to article 18 of the General Municipal Law all towns are suppose to adopt a Code of Ethics to follow, therefore the following resolution was adopted

RESOLUTION TO ADOPT CODE OF ETHICS OF TOWN OF MOOERS

Whereas; article 18 of the General Municipal Law prohibits the officers and employees of a town from having certain conflict of interest, and

Whereas; section 806 of the General Municipal Law requires the governing body of each county, city, town, etc to adopt a code of ethics that sets forth the guidance of its officers and employees standard of conduct reasonably expected of them, and

Whereas; section 806 of the GML also authorizes the governing body of any other town to adopt such a code of ethics, and

Whereas; a code of ethics adopted must set forth standards of conduct for the guidance of the officers and employees of the town with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable, and

Whereas; after some discussion Councilman Robinson made a motion the following resolution be adopted

BE IT HEREBY RESOLVED THAT THE TOWN BOARD OF THE TOWN OF MOOERS ADOPTS THE FOLLOWING CODE OF ETHICS TO READ AS FOLLOWS:

SECTION 1: PURPOSE

Officers and employees of the Town of Mooers hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes that, in furtherance of this fundamental principal, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

SECTION 2: AUTHORIZATION

This Code of Ethics is enacted pursuant to Section 806 of the General Municipal Law and Section 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law

SECTION 3: INTENT OF THE BOARD

The Town Board of the Town of Mooers recognizes that there are statutory provisions mandating town to establish rules and standards of ethical conduct for public officers and employees, which, if observed, can enhance public confidence in local government. The purpose of this Local Law is to implement this objective through the establishment of high standard of ethical conduct for officers and employees of the town, to afford officers and employees of the town guidance on such standards, to provide for punishment of the violation of such standards.

SECTION 4: GENERAL MUNICIPAL LAW TO TAKE PRECEDENCE

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute and case law relating to the conduct of town officers and employees. To the extent this Code of Ethics is inconsistent with the provisions of Section 808 of the GML, then, in that event, the provisions of said Article 18 shall prevail.

SECTION 5: DEFINITIONS

(a) As used in this Code of Ethics, the term "Town" shall mean any board, commission, district, council or other agency, department or unit of the government of the Town of Mooers.

(b) The term "town employee" shall mean any officer or employee of the Town of Mooers, rather paid or unpaid, including members of any administrative board, commission or other agency there of, whether serving in a full-time or advisory capacity. The term "town employee" does not include a person who is a member of a volunteer compensation on a temporary town committee and who is not otherwise an employee or officer of the town.

(c) The term "recusal" means that the town employee may not deliberate, vote or participate in any matter in which he or she has a conflict of interest.

(d) The term "family member" shall mean spouse, parent, step-parent, sister, brother, child, step-child, daughter-in-law, father-in-law, mother-in-law, or household member of a municipal officer or employee, and individual having any of these relationships to the spouse of the officer or employee.

SECTION 6: RULE WITH RESPECT TO CONFLICT OF INTEREST

No Town employee shall have any interest, financial or otherwise, direct, or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

SECTION 7: STANDARDS

Confidential Information: He/She shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

(a) No town employee shall accept employment or engage in any business or professional activity, which will require him/her to disclose confidential information, which he or she has gained by reason of their official position or authority.

(b) No town employee shall attempt to use his or her position to secure unwarranted privileges or exemptions for themselves or others.

(c) No town employee shall engage in any transaction as representative or agent of the town with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her duties.

(d) A town employee shall not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person

(e) Each town employee shall abstain from making personal investments in enterprises which they have reason to believe may be directly involved in decisions to be made by him or her which will otherwise create a substantial conflict between his or her duty in the public interest and his or her private interest.

(f) Each town shall endeavor to pursue a course of conduct, which will raise suspicion among the public that he or she is likely to be engaged in acts that are violations of his or her trust.

(g) Each town employee shall, to the extent that he or she is cognizant thereof, disclose any interest he or she may have in legislation before the Town Board.

(h) Any officer or employee of the Town of Mooers shall present himself/herself in appearance and behavior in a professional manner befitting his or her official capacity as an officer or employee.

SECTION 8: RECUSAL

Any town employee must recuse himself or herself when faced with any conflict of interest situation.

SECTION 9: NEPOTISM

Family members may not serve in positions creating a conflict of interest.

SECTION 10: GIFTS

No town employee shall directly, or indirectly, solicit any gift; or accept any gift, favor or service having a value or service having a value in excess of seventy-five dollars (\$75.00) in connection with the discharge of his or her official duties, except payments of lawful compensation.

SECTION 11: VIOLATIONS

In addition to any penalty contained in any other provisions of law, any such town employee who shall knowingly and intentionally violate any of the provisions of this Code of Ethics may be

fined up to \$500.00 per violation, suspended or removed from office or employment in the manner provided by law.

SECTION 12: DISTRIBUTION OF THE CODE OF ETHICS

The Supervisor of the Town of Mooers shall cause a copy of this Code of Ethics to be distributed to every employee of the Town of Mooers. Each officer and employee elected or appointed on or after the effective date of this Code of Ethics shall be furnished said copy before entering upon the duties of his or her office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this Code of Ethics, nor with the enforcement of the provisions thereof.

SECTION 13: EFFECTIVE DATE

This Code of Ethics shall take effect immediately upon the passing of the Resolution by the Town Board.

SECTION 14: REPEAL

All ordinances, local laws and parts thereof inconsistent with this Code of Ethics are hereby repealed.

SECTION 15: ENFORCEMENT

The Town Board shall have exclusive jurisdiction to enforce the provisions of the Code of Ethics by commencing an action in a court of competent jurisdiction in furtherance of such enforcement. Any town officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Whereas; Councilman LaValley seconded the motion and the result of a Roll Call was 5 AYES (Supervisor Ross, Councilman Robinson, Council man Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES, and

Therefore Supervisor Ross declared **Resolution #17-2012** is adopted.

Zoning Board Committee Amended: On the Zoning Committee they need to replace two members who have resigned (Hope Fountain (secretary) and George Sample) so the following Resolution was adopted

RESOLUTION TO AMEND ZONING COMMITTEE 2012

RESOLUTION #5-2012

Whereas; The Town of Mooers has a 5 man voting Zoning Committee with 1 alternate, and

Whereas; two of the voting members have resigned and have to be replaced, and

Whereas; Councilman Bushey made a motion the following resolution be adopted

BE IT HEREBY RESOLVED THAT MICHAEL WILLETTE BE APPOINTED TO THE ZONING COMMITTEE AS SECRETARY TO COMPLETE THE TERM OF HOPE FOUNTAIN ENDING 2016, ALSO THAT ANTHONY ROBERTS BE APPOINTED TO THE ZONING COMMITTEE TO COMPLETE THE TERM OF GEORGE SAMPLE THAT ENDS IN 2015, and

Whereas; Councilman Robinson 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, and

Therefore Supervisor Ross declared **Resolution #18-2012** is adopted.

DATED: May 08,2012

Also at the organizational Zoning Committee Meeting they chose Gary Provoncha to be chairperson and Michael Willette to be secretary.

Dog Control Officer: The Town received a letter of resignation from Deputy DCO effective April 19,2012. In the letter she also resigns her position of alternate for the Board of Assessment Review effective immediately. The April report showed the following: On 4/21/2012 received call from Peru where person wanted to adopt 2 of the Beagle puppies----On 4/22 call from Peru they wanted the Pit Bull and the Black Lab----On 4/24 adopted two dogs out to Laura Brunelle---On 4/25 Cheryl McDonald of Peru adopted 2 Beagle puppies also contacted Elmore SPCA regarding them taking some of our dogs to put out for adoption----On 4/26 Went to 377 Gero Rd (Darlene Manor resident) with police & Elmore SPCA {2 dogs were surrendered}----On 5/6 Ms. Claussen called she stopped looking for her dogs----On 5/4 Took mother Beagle and last 2 beagle puppies to Ad. Humane Society----On 5/7 L.Peryea from Altona delivered a stray red & white beagle.

NYSDOT: Received a letter regarding the CHIP money. The Town of Mooers has a balance of \$140,103.14 apportionment balance, but they must send a reimbursement request no later than May 16,2012.

Insurance: The Library Inventory was adjusted and by lowering the inventory amount the price quoted for insurance decreased by \$720.00. Councilman Robinson wants to know if by installing the Security System in the Offices will we get discount on the Insurance Premium.

Vouchers: The audited vouchers to be paid off the abstracted vouchers on May 08,2012 are as follows:

General-Townwide-----	(Vouchers 097 - 124)-----	\$ 54,440.16
Highway-Townwide-----	(Vouchers 070 - 089)-----	\$ 16,044.60
Mooers Fire Protection-----	(Vouchers 641 - 650)-----	\$ 29,004.09
Mooers Forks Lighting-----	(Voucher 110)-----	\$ 338.80
Mooers Lighting-----	(Voucher 110)-----	\$ 575.25
Mooers Sidewalks-----	(Voucher 112)-----	<u>\$ 4,825.41</u>
Total of Abstracted Vouchers Paid-----		\$105,228.31

Adjourn: Meeting was adjourned by unanimous vote at 7:55PM

Respectfully submitted

SHIRLEY A GADWAY, TOWN CLERK

Note: On 5/9/2012 at a closed door meeting Jess Dixon was appointed to be CEO.