

Regular meeting of the Mooers Town Board was held on Tuesday September 14, 2010 at the Mooers Office Complex.

Present: Present for the meeting were: Supervisor Rudolph Miller, Councilman Earl Robinson, Councilman Steve Bushey, Councilman Gerald LaValley, and Deputy Town Clerk/Tax Collector Carol Payne. Absent was Highway Superintendent Eugene (Dick) Boulerice who is attending a Annual State Conference in Saratoga, also Councilman Eugene Bushey.

In Attendance: Attending the meeting were: Dog Control Officer Todd Forette, his wife Marsha - Connie LaValley of the Green Valley Road - Kelly Gooley of the Green Valley Road- George Zeeman of the Green Valley Road, is neighbor to Kelley Gooley and Connie LaValley and Mooers Fire Chief Raymond Phair.

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

Minutes: A copy of the July 23, 2010 and August 10, 2010 meeting were handed to each of the Board Members 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 corrections, of which there was neither. Councilman Robinson made a motion the minutes be accepted as written and Councilman LaValley seconded the motion. The result of a Roll Call was 4 AYES ( Supervisor Miller, Councilman Robinson, Councilman Barcomb and Councilman LaValley) and 0 NOES. Therefore Supervisor Miller declared minutes accepted as written. Supervisor Miller then asked who would like to address the Board first.

Connie LaValley: Resident Connie LaValley, of the Green Valley Road, Ellenburg Depot, addressed the Board about her dog being attacked by her neighbor, George Zeeman Pit Bull on August 11, 2010. Her concern was that the dog not to be released to Mr. Zeeman nor the Dog Trainer, Terri Elders out in Arkansas. Her request was to have the dog euthanize since this has been the 3rd attack. She is afraid that next time this Pit Bull will attack a child.

George Zeeman: Resident George Zeeman, of the Green Valley Road, Ellenburg Depot, addressed the Board about the Pit Bull that Connie LaValley was not there but her husband, Orville LaValley was. Mr. Zeeman said, that there was no puncher marks on the dog and where the dog attacked Connie LaValley's dog was wet. DCO Todd Forette mentioned that they spoke with the Dog Trainer, Terri Elders out in Arkansas. Ms. Elders would mail a Notarized letter to DCO stating that she would take full responsibility of any action of Mr. Zeeman's Pit Bull Dog. The Town of Mooers would not be liable in anyway. Mr. Zeeman states that this matter is in Jurisdictional Courts and we will have them decide. Mr. Zeeman kept repeating how this dog did not bite or no blood was found on the dog.

Kelly Gooley: Resident Kelly Gooley, of the Green Valley Road, address the Board about George Zeeman Pit Bull. Kelly mentioned that her dog was the 1st attack, 2nd attack was George Zeeman's his own dog (needed medical attention) and 3rd attack was Connie's. Also, Kelly was there to support Connie LaValley in concern of wellbeing of the neighboring area that the Pit Bull should not be given back to Mr. Zeeman. Mr. Zeeman started in again about his Pit Bull on how the dog did not bite or no blood was found on Connie's dog. Supervisor Miller spoke up and said to Mr. Zeeman that it did not matter if it did or did not. The (Pit Bull) dog ATTACK another dog and if Orville LaValley was not there, the (Pit Bull) dog would of done more damage. Supervisor Miller mentioned it was a good thing it wasn't a child that this Pit Bull ATTACKED. Supervisor Miller mentioned that it is now in the Courts and hopefully they make the right decision regarding the Pit Bull.

Dog Control Officer: Dog Control Officer, Todd Forette, Todd turned in his report for August 2010 which showed the following: On 8/1 received a call from Corby Lafave about a dog running around neighborhood. On 8/2 Chris Latramore called for a follow up on a complaint made on 7/30/2010, Todd updated Chris on the situation. On 8/3 received a call from Dominic Issle dog attacked a rabid fox. On 8/4 received a call from Terry Rabideau to have a stray dog removed from his porch. Shirley called, asked Todd to check dogs at 736 Davison Road. 8/11 received a call from Connie LaValley that the neighboring Pit Bull got away from owner George Zeeman and had attacked her dog when her husband was walking back from mailbox. On 8/12

Called the Police and asked for State Trooper assistance to seize dog from owner (George Zeeman). On 8/12 Complain from Philip Fortsch about neighbor's dog chasing after them when him & his wife go for walk. On 8/12 Jasmine Blaise called about a stray (white pit-bull/bulldog) running loose on Main Street in Chazy. Looked for dog could not find dog. On 8/13 Adirondack Humane Society adopted Pit Bull (Rusty) and Black Lab Mix (Spot). On 8/17 went on delinquent dog calls. On 8/18 Andrea Houle about a small black dog that has been around Chazy for a week. On 8/19 call from Carol, Town of Mooers 2 complaints possibly 8 dogs at 169 Grew Rd. Dogs at 2402 Rt 11 are going after neighbors when they go to their vehicles. On 8/19 Amanda Bruce about a hound mix around her house - picked up. On 8/23 went on delinquent dog calls. On 8/23 complaint came in - residence has 3 dogs that are not licensed. Call came in - a stray dog at Cindy's store in Mooers Forks - picked up. Found out dog was being babysat for owner. On 8/24 call came in at 10pm from State Trooper Constintine. Dog was hit by car near Lake Shore Rd in Chazy. DCO brought dog to Palmers Clinic for evaluation. On 8/29 call from Arthur Dumas had a stray dog for 2 days and can't find the owner (phone & address on collar). Found owner Melissa Rabideau wanted to pick up dog. Could not release dog- past due on rabies vaccination and licensed. On 8/31 Lynda Tomah called had a dog for 2 days - belong to neighbor. On 8/31 received a call from Warren Vixler complain about 2 dogs barking at 242 Duprey Road all hours of the night. Responded to complaint about barking dogs.

Dog Licensing: The NYS Dog Licensing Law Changes Effective January 1, 2011. Municipalities are responsible and requirements are mandated: To have dog licensing programs, Municipalities will issue municipal I.D. Tags for dogs within their jurisdiction. Municipal tags must include the name of the municipality (Town of Mooers) and contact information (including telephone number). Municipalities must pro-actively authorized shelter managers to accept dog license applications. Must provide for the assurance of purebred licenses. Must establish local dog license fees. We may exempt guide dogs and other service dogs from license fees. Municipalities must collect a surcharge on licenses to be deposited in the NYS Animal Population Control Fund. Licensing Municipalities may provide for assessment of other surcharges for costs associated with enumeration and other items. Municipalities may exempt dogs in dog shows from having to wear I.D. Tags. Municipalities opting to offer purebred licensing.

Mooers Fire District: Fire Chief, Raymond Phair, turned in the August 2010 report which showed: Station #1 had 7 calls and Station #2 had 2 calls - Incident types were 1-vehicle accident, 1-grass/brush, 1 power lines, flood - Mutual Aid from Ellenburg, Hemmingford - Average response time was 2 minutes and fuel used was 164.9 gal/diesel and 129.1 gal gas. Raymond mentioned that they received \$57,000 grant for their air pack and the MVFD only had to come up \$4,000. Raymond mentioned at the Highway Department has a good water supply. If they could keep it clean so they could have access to the water supply. The MVFD requested a new Fire Truck for 2011. Councilman Barcomb made a motion the following resolution be adopted.

**BE HEREBY RESOLVED THAT THE TOWN OF MOOERS ADVERTISE FOR A BID FOR A 2011 COMMERCIAL PUMPER**

Councilman LaValley seconded the motion and the result of a Roll Call was 4 AYES (Supervisor Miller, Councilman Robison, Councilman Barcomb and Councilman LaValley) and 0 NOES. Thus, Supervisor Miller declares **Resolution #34-2010** is adopted.

EMS: The Town received the EMS Reports for July 2010 and June 2010 which showed the following: July 2010: = #462 transported 31 and #461/463 transported 2 - Loaded miles for #461/463 was 23 and loaded miles for # 462 was 654 - There were 2 Mutual Aid from #462 and fuel used was #462 used 157.8 gallons. August 2010: = #462 transported 22 and #461/463 transported 3 - Loaded miles #461/463 was 44 and loaded miles for #462 was 426 miles - There was 4 mutual aid from #462 and Fuel used by #462 was 122 gallons.

County Snow & Ice Contract: The Town of Mooers received the contract for Snow & Ice between the Clinton County Highway Department & the Town of Mooers. It is a 2 year contract 2010-2011 and 2011-2012. The County has agrees to compensate the Town of Mooers for their services & materials for 2010-2011 - \$4,475.00 Rate Regular Roads, \$5,444.00 Rate Snowbelt Roads for a total of \$187,744.00. For 2011-2012 - \$4,654 Rate Regular Road, \$5,662 Rate Snowbelt Road for a total of \$195,257. Councilman Robinson made a motion the following resolution be adopted:

**BE IT HEREBY RESOLVED THE TOWN OF MOOERS SHALL ENTER INTO A CONTACT WITH CLINTON COUNTY HIGHWAY DEPARTMENT FOR THE SNOW & ICE SEASON 2010-2011 AND 2011-2012 AGREEABLE WITH THE TERMS OF CONTRACT DATED SSEPTEMBER 1, 2010 AND ALSO BE IT HERE BY RESOLVED PERMISSION BE GRANTED TO SUPERVISOR MILLER TO SIGN THIS CONTRACT, and**

Councilman Barcomb second the motion and the result of a Roll Call was 4 AYES (Supervisor Miller, Councilman Robinson, Councilman Barcomb and Councilman LaValley) 0 NOES. Therefore, Supervisor Miller declared **Resolution #35-2010** is adopted.

Mooers Free Library: Thanking our Councilman Barcomb, LaValley, Robinson for attending the Mooers Library Board meeting on Wednesday, August 11, 2010. They explained the proposed plan to move the Library to the Mooers Forks Methodist Church, if possible, sometime in the future.

NYS Local Retirement: The Town received a projection report on the amount the annual payment due in February 1, 2011 would be. The projected amount is 44,103.00 if paid on due date February 1, 2011 & Pre-payment amount if paid by December 15, 2010 is \$43,681.00.

AARP Medicare: United Healthcare Insurance Company's 2011 for AARP Medicare Supplement Plans will be mailing rate notification letters to our retirees. New annual rates will be effective as of January 2011.

Burnham Financial: In a letter from Burnham Financial they state that the 2011 Health Insurance projection for "Excellus Blue Cross" will increase in a range of +9.5% to + 13.5%.

NYS Dept. of Transportation: Municipal Snow & Ice Agreement extension will include a 3.08% increase to the equipment portion of the contract. For costs of labor and/or materials increase, need to copy of any labor contract, board minutes, fringes, or other documentation supporting a cost increase between past winters and this coming winter.

Raymond Phair: On August 29, 2010, Ray hurt his back by installing a new air pack in the fire truck. Raymond submitted a claim with Workers Comp.

Mooers Forks Rec Park: Alfie Ladue emailed Carol Payne regarding needing a portable toilet for the school. We never had one at the school. For this time we will move the portable toilet that the Town of Mooers rented for the MFRP to the school only until after the Tournament is finished October 9th, 2010. The Bathhouse at the MFRP is finished.

NYS Dept of Taxation & Finance/Tim Surpitski, Appointed Assessor: A letter was received from NYSDTF regarding the sales list for 2011 Residential Assessment Ratios.

CSEA Union Contract: Councilman Robinson told the Board that the Union Contract has finally been settled and was ready to be signed. The Contract is only for one year (ends December 31, 2010. Councilman Robinson made a motion the following resolution be adopted.

**BE IT HEREBY RESOLVED THAT ON TUESDAY, SEPTEMBER 14, 2010, WITH THE APPROVAL OF THE TOWN BOARD OF THE TOWN OF MOOERS, SUPERVISOR MILLER SHALL SIGN THE CSEA CONTRACT.**

After a discussion, Councilman LaValley seconded the motion, and the Supervisor called for a Roll Call which produced the following results: 4 AYES (Supervisor Miller, Councilman Robinson, Councilman Barcomb and Councilman LaValley) and 0 NOES. Therefore Supervisor Miller declared **Resolution #36-2010** adopted.

Repair Or Removal of Unsafe Buildings and Collapsed Structures: Supervisor Miller mentioned to the Town Board about the unsafe buildings pose a threat to life and property and/or unsanitary conditions in the Town of Mooers. After discussion Councilman Barcomb made a motion the following resolution be adopted.

**BE IT HERBY RESOLVED THE TOWN OF MOOERS SHALL HAVE PROPERTY OWNERS CLEAN UP, REPAIR OR REMOVE UNSAFE BUILDINGS AND PROPERTY AND/OR UNSANITARY CONDITIONS THAT POSE THREAT TO LIFE AND PROPERTY IN THE TOWN OF MOOERS. IN THE EVENT THERE IS NO PROGRESS MADE IN THESE ENDEAVORS, THE TOWN SHALL BE ABLE TO CONDEMN THE PROPERTY AND DECLARE IF UNFIT FOR OCCUPANCY OR USE OF ANY NATURE.**

Councilman LaValley seconded the motion and the result of a Roll Call was 4 AYES (Supervisor Miller, Councilman Robinson, Councilman Barcomb and Councilman LaValley) and 0 NOES. Therefore, Supervisor Miller declared **Resolution #37-2010** is adopted.

Vouchers: Audited vouchers to be paid off the abstracted vouchers on September 14, 2010 were as follows:

General-townwide-----	(Vouchers 228-250)-----	\$ 14,398.91
Highway-townwide-----	(Vouchers 146-166)-----	138,595.57
Mooers Fire Protection-----	(Vouchers 672-677)-----	1,045.70
Mooers Forks Lighting-----	(Voucher 236)-----	358.09
Mooers Lighting-----	(Voucher 236)-----	<u>617.34</u>

**\_\_\_\_\_ Total of Abstracted Vouchers Paid-----\$155,015.61**

Adjourn: Councilman Barcomb made a motion the meeting be adjourned. Councilman Robinson seconded the motion and the result of a Roll Call was 4 AYES (Supervisor Miller, Councilman Robinson, Councilman Barcomb and Councilman LaValley) and 0 NOES. Supervisor declared meeting adjourned at 9:55P.M.

Respectfully submitted

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CAROL PAYNE, DEPUTY TOWN CLERK