

**Minutes of the Regular Monthly Meeting of the Town Board of the Town of Mooers held
March 10, 2015 at the Mooers Office Complex commencing at 7:00 PM**

Present: Jeff Menard, Supervisor
Gerald LaValley, Councilperson
Donald Perras, Councilperson
Mary Myatt, Councilperson
Steve Barcomb, Councilperson

Recording Secretary: Brandi B. Lloyd, Town Clerk

Others Present: Kaleigh LaBombard, Dog Control Officer

Absent: none

Meeting: Supervisor Jeff Menard called the Meeting to Order at 7:00PM, then he asked Mrs. Brandi Lloyd 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 February 10, 2015 Minutes. They all replied yes. Supervisor Jeff Menard then asked if there were any omissions or corrections, there were none. Councilperson Barcomb then made a motion to accept the February 10, 2015 Minutes and Councilperson Perras seconded the Motion. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Jeff Menard declared Minutes accepted as written.

Highway: Highway Supervisor Eugene Boulerice handed in the February report for State Roads showing a total amount of \$39,990.37 spent in the month of February. He said the amount is up by about \$16,000.00 from February 2014. He then thanked the members of the Board that attended the CHIPS meeting in Albany.

Library: Mrs. Jacqueline Madison said the State is anticipating that the building for the new library will be completed by the end of June. She said the annual report for 2014 has been completed. Mrs. Madison said they are sending out an annual appeal letter. She added that Helping Hands will be assisting them with the letter. Mrs. Madison said the library will be closed on March 14th for cleaning. She said they will be cleaning the salt from the interior stairs. She said the library will also be closed on April 18th as they will be participating in the United Way's Day of Caring and she has asked them for assistance with the sign outside the library. Supervisor Menard asked Highway Supervisor Eugene Boulerice to look into repairing the sign once the ground thaws because the posts have rotted. Mrs. Madison reported that Woodmen of the World Insurance Company will be donating a flag and flagpole next year for the new library building. Supervisor Menard said he e-mailed Mr. Tom Murnane about the upcoming Library Board meeting on March 25th. He added that he had not yet received a reply from Mr. Murnane.

Beautification Committee: Supervisor Menard asked if anyone from the Beautification Committee would like to address the board. Mrs. Myrtle Hawksby reported that the lights had been ordered.

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

Town Historian: Supervisor Menard asked if anyone from the Town Historian would like to address the board. No person was present wishing to address the board at this time.

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

EMS: Supervisor Menard asked if anyone from EMS would like to address the board. No person was present wishing to address the board at this time. A report was not submitted by EMS.

Court: The Justice Fund report for February showed total receipts of \$8238.26 with \$5759.75 going to the State, \$10.00 to the County, and \$2468.51 to the Town of Mooers.

Code Enforcement Officer: Mr. Jess Dixon was not in attendance, but submitted his report for the month of February showing zero building permits issued, no violations, two inspections conducted, one certificate of occupancy issued, and 12 phone calls answered. The report also requested that a note be

posted on the Town's website reminding residents to check the batteries in all smoke detectors and CO2 monitors and to ensure that sump pumps are functioning and sump pump drains are clear.

Dog Control: Mrs. Kaleigh Mills handed in the report for February 2015 showing 14 calls made for the month and three dogs currently in the shelter.

Old Business 1: Supervisor Menard said the Board went into Executive Session last month to discuss an offer received from Mr. Randy Bedard's lawyer regarding the lawsuit he has filed against the Town. He said he would like to conduct a roll call vote to either accept or decline the offer. Supervisor Menard asked if there was any discussion before voting. Supervisor Menard said Councilperson Myatt had e-mailed Mr. Mike Zurlo regarding paying Mr. Bedard. Councilperson Myatt said Mr. Zurlo said the County would not reimburse the Town due to it not going through the legalities of going out to bid. Supervisor Menard said the County cannot reimburse the Town because it has not yet been paid for by the Town. Councilperson Lavalley said information in an e-mail received from Mrs. Lori Mithen, lawyer for the Association of Towns, also said not to pay. Supervisor Menard said the e-mail from Ms. Mithen were opinions on past cases that went through, that it is not enforceable by law to have to pay, and that in some cases, the courts did award some money. He added that, in his opinion, either way the town is taking a chance because you just don't know what the judge will decide. Supervisor Menard said it was discussed in Executive Session and that couldn't go into too much detail because it is still pending, but that the Board needs to vote on the offer. Councilperson Lavalley said in all the cases mentioned by Ms. Mithen, in litigation the courts did not order payment be made because the job did not go to bid. Supervisor Menard said that it does not say that. He added that it reads the law says you don't have to pay it, but some of the judges did award payment. Councilperson Lavalley said that is not how he read it. Councilperson Perras said it is difficult to make a decision without the lawyer present. Supervisor Menard said Mr. Murnane as well as the insurance company lawyer said it is a good offer. Councilperson Perras said he read the opinions from Ms. Mithen. He added that it makes sense for the Town would not have to pay because it did not go out to bid, but that it could be considered an emergency situation. Supervisor Menard agreed that it is not all cut and dry. Councilperson Lavalley said it was not an emergency and that it should have gone out to bid. He added that if the job is over a certain amount of money it has to go out to bid or it is not considered binding. Councilperson Myatt asked how the case against Bedard was proceeding in the courts. Supervisor Menard said he was not sure, but that it is a felony case and will go to the County unless there is a lesser plea. Supervisor Menard then asked Mrs. Brandi Lloyd to proceed with the roll call vote. Mrs. Lloyd asked if a yes vote is to pay and a no vote is to not pay. Supervisor Menard confirmed. The result of the Roll Call was 2 AYES (Supervisor Menard and Councilperson Perras) and 3 NOES (Councilperson Myatt, Councilperson Barcomb, and Councilperson Lavalley). Supervisor Menard said he would inform the lawyer of the results of the Board's decision tomorrow. Both Councilperson Myatt and Councilperson Perras said they would like to speak with the Town's lawyer. Supervisor Menard said this year will be the Town's last chance to get the bill to the County. Supervisor Menard said the Town has already paid \$145,000.00 and should be receiving that money from the County soon. Mrs. Lloyd said the Town has received the money from the County. He said the invoice for the wells will go to the County this year and any other paid bills have to be submitted to the County by November.

Old Business 2: Councilperson Lavalley asked Supervisor Menard how much money had been made so far with the money market account. Supervisor Menard said no money had been made yet, that it just went in and it takes 30 days. He added that he would check with the bank.

New Business:

Town Business 1: Supervisor Menard said he had been informed of a meeting being held on April 15th from 5- 8pm regarding the financial responsibility of elected officials. He added that the meeting is in Plattsburgh and there is a \$55.00 registration fee. Councilperson Lavalley asked when they had to register by. Supervisor Menard said they would need to know by April 8th.

Town Business 2: Supervisor Menard said Mrs. Rena Bosley would like to become a member of the NYS Government Finance Officers Association. He said the dues would be \$80.00 per person for the first year. Therefore Councilperson Barcomb made a motion giving Mrs. Bosley permission to pay the dues to become a member of the NYS Government Finance Officers Association. The motion was seconded by Supervisor Menard. The result of a Roll Call was 5 AYES and 0 NOES, therefore Supervisor Menard declared the motion carried.

Town Business 3: Supervisor Menard said he received a letter from the League of Women Voters. He said the letter is inviting the Town Board members to attend the League's "Meet Your State Legislators" on March 21st. The meeting will be held at Peru Central School 9am - noon.

Town Business 4: Supervisor Menard said the Town's insurance is up for renewal the end of April. He said Northern Insuring asked to submit a quote for consideration. Supervisor Menard said he is unsure if it is even feasible due to the lawsuit that the Town's current insurance is helping with. Councilperson Lavalley said it is always a good idea to get another quote. The Board agreed. Supervisor Menard said he would contact Ms. Tammy Martin at Northern Insuring to go ahead with the quote.

Town Business 5: Supervisor Menard said there is a County-wide meeting on March 25th at 10am with Mr. Mike Zurlo, Clinton County Administrator. He explained that the Town of Mooers, as well as all Towns in the County, must submit a report explaining what measures are being taken to cut taxes over the next three years. Mr. Bernie Bassett would like to discuss all Towns submitting one report as a whole. Supervisor Menard asked the Board to let him know as soon as possible if they plan to attend.

Zoning Board: Each year at the January meeting the Town Board appoints a Zoning Board Committee. The Town Board voted on and appointed new members to the Zoning Board on February 10, 2015. Unbeknownst to the Town Board, current members of the Zoning Board were interested in maintaining their positions. According to the Town of Mooers Zoning Law, it is required that there be two alternate members of the Zoning Board, therefore Councilperson Barcomb made a motion that the following resolution be adopted:

BE IT HEREBY RESOLVED THAT THE FOLLOWING PEOPLE BE APPOINTED TO THE 2015 ZONING BOARD COMMITTEE

- Orville Nedeau (Chairperson)-----2017
- Tony Roberts-----2015
- Mike Willette-----2016
- Larry Brooks-----2018
- Jane Hitchcock-----2020
- Jessie Lavalley -----(Alt #1)-----2020
- Miranda Grabie----- (Alt #2)-----2020

The motion was seconded by Supervisor Menard. The result of a Roll Call was 4 AYES (Supervisor Menard, Councilperson Myatt, Councilperson Barcomb, and Councilperson Lavalley) , and 1 ABSTAIN (Councilman Perras) and 0 NOES, therefore Supervisor Menard declared **Resolution #18-2015** adopted.

Highway 2: The need to renew the CSEA Contract was discussed, therefore Councilperson Myatt made a motion that the following resolution be adopted:

BE IT RESOLVED, that the Board has approved the proposed Successor Agreement with The Civil Service Employees Association, Inc. Town of Mooers Highway Unit Local 801 for the period January 1, 2014 through December 31, 2016 based on the terms set forth in a Proposal Summary dated February 5, 2015, and be it further

RESOLVED, that the Board accepts the terms and conditions of a negotiated Memorandum of Agreement with a certain employee on the recommendation of the Town's Attorney, authorizes the Town Supervisor to execute such Agreement and to take all actions necessary on behalf of the Town in effectuating the terms of the Memorandum of Agreement.

The motion was seconded by Councilperson Barcomb. The result of a Roll Call was 5 AYES (Supervisor Menard, Councilperson Myatt, Councilperson Barcomb, Councilperson Lavalley, and Councilperson Perras) and 0 NOES, therefore Supervisor Menard declared **Resolution #19-2015** adopted.

Highway 3: Supervisor Menard reminded the Board that they had previously discussed the need to have a resolution in place for the wages of the winter part-time seasonal employees. Supervisor Menard asked Highway Supervisor Eugene Boulerville if the winter part-time employees typically work about five months. He agreed that it was about five months for the year. Supervisor Menard said it would probably be best to bump up the wages based on a calendar year rather than time worked. A person in attendance said full-time employees have to wait three years to be at full pay and that a part-time employee should have to wait the same amount of time. Supervisor Menard agreed that if the pay is

increased by the calendar year, it will take a part-time winter employee three years to be at full pay. Supervisor Menard said it is hard to find part-time help and if they are not paid enough, they will quit. Councilperson Lavalley asked Mr. Phillip Miller, who has been a part-time seasonal employee for several years, on what schedule his pay was increased. He said it took three years, that his pay went up each January by .50 cents until he was at full pay. Mr. Miller said his pay, even though he was a part-time employee, increased as it did for the full-time employees according to their contract. There was some discussion. Supervisor Menard said a policy needs to be in place. Supervisor Menard confirmed that the increase went by calendar year, not by months worked. Supervisor Menard suggested tabling the issue until next month. The Board agreed.

Supervisor Menard asked if anyone would like to address the Town Board.

Public Comment 1: Mrs. Debbie Miller asked if there was book containing the Town government laws. Councilperson Myatt showed Mrs. Miller a copy of her "Town Law Manual." Mrs. Miller said she asked because she is curious as to why Councilperson Lavalley felt it was a conflict of interest for Mrs. Grabie to be a member of the Zoning Board. Councilperson Lavalley answered that he believes it is a conflict of interest because Mrs. Grabie is Councilperson Perras' daughter and Councilperson Perras is appointed as a Board member to the Zoning Board Committee. Mrs. Miller asked if it would then be a conflict of interest if an employee of the Town is related to a member of the Town Board and that a Board member voted on or made a decision regarding that employee's pay. Supervisor Menard and Councilperson Myatt said it should be considered a conflict of interest. Mrs. Miller asked then why Mr. Jess Dixon, as Councilperson Myatt's nephew, and Chris, as Councilperson Lavalley's son-in-law, wouldn't be considered the same type of situation. Councilperson Myatt clarified that Mr. Jess Dixon is married to her niece. Highway Supervisor Eugene Boulerice said there was a law at one time that a Board Member could not negotiate on their own for an employee that is a relative. Mrs. Miller said she didn't understand and simply wanted clarification.

Voucher: The Audited Vouchers to be paid off the Abstracted Vouchers on March 10, 2015 are as follows:

General - Townwide -----(Vouchers 912 - 921, 923 - 931)-----	\$ 12,865.83
Highway - Townwide -----(Voucher 577 - 600)-----	75,011.10
Mooers Sidewalk -----(Voucher 922)-----	62.62
Mooers Forks Lights----- (Voucher 924)-----	571.69
Mooers Lights -----(Voucher 924)-----	1,019.97
Trust & Agency -----(Voucher 119 - 121)-----	<u>10,264.78</u>
Total of Abstracted Vouchers Paid-----	\$99,795.99

Adjourn: Councilperson Barcomb made a motion for the meeting be adjourned. Supervisor Menard seconded the motion. Thus, Supervisor Jeff Menard declared the motion carried. Meeting adjourned at 7:41PM.

Respectfully Submitted,

BRANDI B. LLOYD, TOWN CLERK/TAX COLLECTOR