

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday October 8, 2008 at the municipal building located at 1840 State Highway #10 at 7:00 pm with the following persons in attendance by Roll Call:

Supervisor Kane - Here
Councilman Ralph Palcovic - Here
Councilman Robert Sprung - Here
Council Member Valerie Scribner - Here
Councilman Robert Sullivan - Here

Other town officials in attendance were Stephen Jennings – Golf Pro-Greens keeper-Manager, Katherine Hillock - Assessor, and Attorney Edward Skoda. There were approximately 28 members of the public in attendance.

At 7:00 pm Supervisor Kane opened the meeting with the flag salute. The clerk called the roll. Councilman Sprung made a motion to waive the reading of the minutes of the September meeting, Councilman Sullivan seconded the motion.

The clerk received one bid for #2 Fuel oil, gasoline, and diesel. Shepard Oil submitted the following:

#2 Fuel Oil - Net delivered price based from daily rack port of Albany \$2.924
(Ex. 10/8/08 Albany rack 2.6745 + \$0.25)

Unleaded Gasoline - Net delivered price based from daily rack port of Albany \$2.696
(Ex. 10/8/08 Albany rack 2.396 + \$0.30)

Diesel - Net delivered price based from daily rack port of Albany \$3.155
(Ex. 10/8/08 Albany rack 2.905 + \$0.25)

The Non- Collusion certificate was signed on all three bids.

RESOLUTION to award Bid for Fuels for the year 2009 #2008-084

Offered by Councilman Best

Seconded by Council Member Scribner

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday October 8, 2008, and

WHEREAS, the board did advertise for bids in the Leader Herald newspaper on September 23, 2008, and

WHEREAS, Shepard Oil Company Inc. did return to the Town Clerk on October 8, 2008 at 1:30 pm sealed bid proposals for #2 Fuel Oil, Unleaded Gasoline, and Diesel, Now therefore be it

RESOLVED, that the Caroga Town Board does hereby award the bid for #2 Fuel Oil, Gasoline, and Diesel to Shepard Oil Company Inc. 9 Industrial Park Road of Johnstown NY 12095 for the year 2009, at the prices stated:

#2 Fuel Oil - Net delivered price based from daily rack Port of Albany \$2.924

(Ex. 10/8/08 Albany rack 2.6745 + \$0.25)

Unleaded Gasoline - Net delivered price based from daily rack Port of Albany \$2.696

(Ex. 10/8/08 Albany rack 2.396 + \$0.30)

Diesel - Net delivered price based from daily rack Port of Albany \$3.155

(Ex. 10/8/08 Albany rack 2.905 + \$0.25)

Unanimously approved

Public: Brad Dake- was on the agenda but won't be here this evening. Supervisor Kane spoke to Mr. Dake last week he asked if there was any state land in the Town of Caroga that we were eager to change to resort. The board did not know of any land at this time.

Barbara Madonna spoke on behalf of the Gloversville Library. Board of Trustee David Hickock was also present. She knows the Johnstown Public Library has already spoken to the board on their services. She noted that for years the town has provided funding to them as the residents use it. The Gloversville Library is also here to request funding from the 2009 budget. There are approximately 453 residents who have library cards through their system – 217 have cards with Johnstown and 218 have cards with Gloversville. The town of Caroga uses 2.3% of their circulation. The Library requested \$4,000.00 from the town for 2009 to help the library provide services to the residents who use it. She passed out information on the programs and services and the annual report from last year.

Public: Cindy Marler asked what the new stakes with ribbons are out front. Supervisor Kane noted they were from the survey of the property, which was done a few weeks ago.

Mr. Shutts dropped off a list of some of the questions that were asked at the meeting about the new building. He stated that there were a lot of people in the town with questions and concerns. The list contained 21 or 22 questions. Supervisor Kane said there would be another meeting.

John Fenzl read into the record a letter he wrote with a concern about the location of the proposed town hall. He did a survey of damaged siding and broken windows to the existing building. This is a measure of the hazard to the new building and the parking areas of the plan. A total of counted hits on the existing buildings to be 141. He noted hits on the brick surface would not show up on his survey. He noted the screens on the 9 large windows. Mr. Fenzl counted 16 dents or pockmarks on the steel door leading out of the gym. "If there are 16 hits on this small surface area one can conclude that the entire wall is taking many, many more." He noted many balls land on the roof. He is concerned with the open parking areas after the building is removed.

Department Reports:

Highway – no report

Code Enforcement & Sanitation – Mr. Heberer issued 18 building permits and 3 sanitation permits between September 11, 2008 and October 8, 2008.

Dog Control – Mr. Dutcher reported to the clerk that he had 9 calls for the month with one dog bite. The case was in court last week and the dog was deemed dangerous.

Golf Course – Mr. Jennings reported that he has met the revenue projection for the year of \$200,000.00. He is getting the golf course ready for the winter. He has sprayed fungicide to prevent snow mold the next application will be the first week of November. Once the greens start the freeze thaw cycle then he will close the course. He wanted the board to think about next year's rates for greens fees and memberships. The other municipal courses don't have their rates set to use as a comparison. Most don't set them until the first of the year.

BTI – no report

Weeds – Mr. DeWeese noted that the dam on East & West Caroga would be opened on Oct. 13. He looked over the Terrestrial Invasive Species Eradication Grant Program booklet. This program offered by DEC- the State of New York is to remove eligible species present in New York State. This is another 3-year matching fund grant. The due date is October 31, he suggested not doing anything with this. His final report was submitted last month for the year. He is working on the DEC invasive water species program report, which is due on October 20. He anticipates receiving \$8,300.00 from the state that will offset close to 45% of the expenses for this year. The check should arrive in 6 – 8 weeks.

All of the equipment has been winterized and put away for the winter.

Mr. Welker noted that the winter height of the water is at 1446 in the winter and the summer level is 1448. The lake is dropped by about 2 feet.

Youth - No Report

Clerk/Registrar – No Report

Assessor's Report – Mrs. Hillock submitted a written report. An Exemption Impact Report was given to the Budget Director due to the new law section 495 of the Real Property Tax Law. The board noted that there was some lost assessed valuation from last year. Where did the million dollars go? Mrs. Hillock responded some was lost from the Board of Assessment Review, some from the special franchises, and the assessment on the state owned land. The tentative assessment roll was a couple of million over. The board asked for more information on the loss. Councilman Palcovic asked if “this was an anticipated loss of assessed valuation or is it something that is.. I don't recall loosing a million dollars in assessed valuation before in the preliminary budget.” When the tentative roll is out everyone can go to grievance. She stated that the town lost close to a million there. The rest is the special franchises and the state. The Supervisor asked about the change on the Abdella property. The Assessor noted that he received over a half

million-dollar reduction at grievance. The rest of it is dictated by the state of NY and out of her hands. There were no small claims this year.

Mrs. Pomeroy noted a recent news article about the state paying the counties for the state land they maintain. The decision was reversed in the Appellate Division and will go to the Court of Appeals Attorney Skoda commented. Mrs. Hillock noted that there is taxable state owned land in the town of Caroga. This has a direct impact on our budget.

She traveled around town with the building inspector on 9/19/08. This generated 140 different properties for her to review, which she is currently working on. The correct zoning of each parcel may be entered into the 2009 Assessment Roll. Lastly Mrs. Hillock reported that the middle class star rebate checks are currently being mailed to qualified recipients in the town.

Supervisor's Report

Supervisor Kane stated that he and Councilman Palcovic interviewed a forester Mike Greason. He doesn't want to work on a percentage because he feels it is unfair to the town. He charges \$60.00 per hour. He prepares a report by evaluating the land figures out the marketable species and the marketable board feet, and marks the trees. He determines the current market value of the whole packet during the inventory. Then he goes to a wide range of reputable bidders and handles the bidding process with the recommendations coming back to the board. The board would then contract with the logger. There are two parcels he is looking at a 100-acre parcel and a 50-acre parcel.

Resolution to hire forester

#2008-085

Offered by Councilman Palcovic

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday October 8, 2008, and

WHEREAS, Councilman Palcovic and Supervisor Kane met with Michael Greason to discuss doing an evaluation of two parcels for potential timber harvesting, for the purpose of generating some revenues, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to hire Michael Greason of 5476 Cauterskill Rd Catskill NY 12414 (518) 943-9230 to determine the inventory of trees and prepare a bid specification for logging on town property.

Unanimously adopted

“Now we've also looked into a financial Planner. I talked to Jim Sullivan from NBT Bank he said in order to secure this loan you had to get a financial planner. He recommended Jeanine Caruso. Up to a million dollars, which we'll be under it, will be \$1,500.00 for fees. Anything over a million dollars it will be \$5,500.00.”

Attorney Skoda also spoke to Ms. Caruso. He knows of some of the bond council that she works with who speak highly of her. “You are going to need, when going through

her, you are going to sell this bond, to do so you are going to need bond council which is an additional expense, because for her to sell this bond – Bond Council has to write an opinion and ...it can be me.” For salability purposes it has to be a bond council that is red book council. They are only certain bond council that people who are buying bonds in public will take their opinion that everything is done properly so that there is security in purchasing the bond or bonds.

Council Member Scribner asked if we were jumping the gun a little. Supervisor Kane thought if approval doesn't go through on a vote to build a new building then you have to fix this place, which will still cost a million dollars. “You still have to have the money anyway.”

Attorney Skoda noted that the board has to be very careful on how the resolution is written. This is one of the things a bond council will do. You can't have a resolution for a new building and then say we're not going to build a new building and use it for renovations. This is a very technical process to sell bonds on the open market to finance a project like this. Councilman Sullivan agreed with Council Member Scribner “I think we are getting ahead of ourselves. We've generated a lot of questions in the last week that I don't have the answers to.”

Attorney Skoda also told the board that depending on the structure of the building would depend on the term, under the local finance law that says the useful life. A stick built with siding would have a maximum term of financing is 15 years. If it is brick or stone it can go out to 25 years. That will affect the financing and the cost. Councilman Sprung also thought we were a ways away.

Councilman Sullivan pointed out that some things have to be done right now, Demolition of the white building and securing the utilities. Supervisor Kane noted that according to Matt Mason the town should have all of the plans for this utility building on the 18th – the electrical and plumbing.

Another work session was scheduled to answer the questions and review the plans. A budget work session was scheduled for October 22 at 7:00 pm. A meeting on the building was set for Tuesday October 28, 2008 at 7:00 pm.

Committee Reports

Buildings and Grounds – Councilman Sullivan thanked everyone for pointing out questions.

Park Creation - Council Member Scribner and Linda Pomeroy stained the pavilion. The picnic tables are here. Mr. Insogna is going to start grading it. David Knapp is going to seed the property before the snow flies. Next year they will finish up with the plant, shrubs, and trees. The closure date is December 31, but Council Member Scribner will call or email for an extension.

Cell Service – Council Member Scribner stated that the (proposed) local law is done and in Mike Heberers' hands. He said he could streamline it to the APA to get approval. Then the board will make the Local Law and sell it to the cell providers.

Supervisor Kane stated that the town has a \$50,000.00 grant from the Empire State Development Commission. They want to set up the planning board as the lead agency to deal with this.

RESOLUTION to set lead agency **#2008-086**

Offered by Councilman Palcovic

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday October 8, 2008, and

WHEREAS, Councilman Palcovic submitted paperwork to Senator Hugh Farley's Office to received \$50,000.00 in grant money and

WHEREAS, it is necessary to designate a lead agency to conduct a SEQRA review, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to appoint the Caroga Planning Board as lead agency.

Unanimously adopted

Old Business:

Attorney Skoda brought with him proposed language to Local Law #2-2006 that he needs to review with Mr. Welker- Chairman of the Zoning Board of Appeals. This is for alternates who would continue to sit for any adjourned applications that they initially sat on to provide continuity with the application.

Councilman Sprung hoped that Mr. Insogna would be at this meeting. He spoke with Bob Abel DPW Director in Gloversville about his success in buying used equipment. Mr. Abel offered to help the Highway Superintendent so that the town is not buying new equipment every year.

Councilman Sprung also had information to save on health insurance. There is a plan out there to close the gap in Medicare part B prescription program. He suggested having Mang Insurance back for a meeting about this. Councilman Sullivan noted that retirees for the county are going to the part B program. The Board will talk to Mrs. Hillier about this.

Supervisor Kane asked what Attorney Skoda needed to get the bid specifications out for the utility shed. He responded that he needed the bids and the specs. and he can do a contract.

New Business:

Board of Assessment Review – Term of Cathy Wallace expired 9-30-08. Mrs. Hillock thought that she expressed an interest in continuing to serve on the BAR. An ad will be placed in the newspaper to fill the resignation of Mr. Gilbert.

RESOLUTION to Appoint Board of Assessment Review member #2008-087

Offered by Councilman Sprung

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday October 8, 2008, and

WHEREAS, the Town received notification from Robert Terry of the Office of Real Property Services that the term of Cathy A. Wallace expired on September 30 2008, and

WHEREAS, Cathy Ann Wallace was filling out a term of Chris Cram and was appointed to the board on January 10, 2007

WHEREAS, Mrs. Wallace has expressed an interest to continue to serve on the Board of Assessment Review, now therefore be it

RESOLVED, that Cathy Ann Wallace of 1486 County Highway 112 (PO Box 542) Caroga Lake NY is hereby appointed to serve on the Board of Assessment Review (BAR) until September 30, 2013.

Unanimously adopted

Fulton Co. Realtors & F.C. Chamber will conduct a roadside cleanup October 16. They have not stated which roads will be cleaned. Supplies will be dropped off at the municipal building. The trash collected will be accepted at the county site at no charge.

Council Member Scribner noted that the Wheelerville School wants to set Trick or Treat night on October 31, 2008 from 6 – 8 pm.

RESOLUTION to set Trick or Treat night in the Town of Caroga # 2008-088

Offered by Council Member Scribner

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held a budget work session on Wednesday October 8, 2008, and

WHEREAS, the staff at the Wheelerville Union Free School did confer with the Town of Caroga as to what date and time Trick or Treat would be held in the Town of Caroga for the year 2008, now therefore be it

RESOLVED, that the date and time of Trick or Treat in the Town of Caroga will be Wednesday October 31st 2008 from 6:00 – 8 pm.

Unanimously adopted

Correspondence:

Fulton County Voter Registration Days – Saturday Oct. 11 2008 2 – 9 pm

Letter from Gloversville Public Library

Bouchey & Clarke –Tim Salls sent a letter of introduction offering to discuss the town’s benefit alternatives.

Scott Henze – Pictometry Training will be held on October 15th

Local Government Shared Services workshop Oct.10th at the University at Albany.

Council Member Scribner is attending along with Tammy Loomin from the school.

Mileage reimbursement was not requested.

Letter from John Fenzl – Additional Open House Comments

Girvin & Ferlazzo – Civil Appeals Settlement Program October 20th @ 2:00 pm in Albany. Someone from the town must attend. Councilman Sprung and Council Member Scribner plan to attend. Attorney Skoda stated that this is conference when there is an appeal to the Appellate division they usually have a JHO – retired judge get the parties together to see if there is any room for settlement. “Not likely in that case.”

Resolutions:

RESOLUTION to contract with the James A. Brennan Humane Society

#2008-089

Offered by Council Member Scribner

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board did hold its regular monthly meeting on October 8, 2008, and

WHEREAS, The Supervisor did receive the annual agreement from the James A. Brennan memorial Humane Society, Inc. for the board to review, and

WHEREAS, the board did review the nine-page document, which includes Article 1 Section 1 thru 11, Article II Section 12 thru 15, Article III Section s16 & 17, and Miscellaneous Provisions Sections 18 thru 22 along with schedule "A" addendum to the agreement, said contract pages 1, 2, & 3 being revised 1/07, now therefore be it

RESOLVED, that the Town of Caroga will hereby enter into agreement with the James A. Brennan Memorial Humane Society 437 Nine Mile Tree Rd. Gloversville NY for the sum of Two Thousand One Hundred Dollars (\$2100.00) payable quarterly, for Basic Services for the term of this contract, which shall commence on the first day of January 2008 and continue until the 31st day of December 2008 as set forth in the agreement on file in the office of the Town Clerk.

Unanimously adopted

Council Member Scribner had a question about putting biodegradable solvents in side the highway garage with the oil water separator. She noted a bill for \$5,000.00 in chemicals to wash the inside of the building. Councilman Palcovic stated that biodegradable is environmentally friendly. He thought they could just plug the drains. She was not in favor of paying this bill. Supervisor Kane stated that the budget director spoke to the highway superintendent about purchasing a two-year supply. He really did not have the money to buy it. Councilman Sprung suggested having him attend the next budget session. Attorney Skoda noted that Council Member Scribner could abstain or vote no on approving the bills.

Councilman Sprung made a motion to pay the bills as presented for audit, accept the minutes of the September meeting and Sept. 22nd work session. Councilman Sullivan seconded the motion.

Ayes 4 Nays 1

At 7:45pm Councilman Sprung made a motion to adjourn. Council Member Scribner seconded the motion. All board members were in favor of the motion.

Respectfully Submitted,

Linda M. Gilbert – RMC
Town Clerk