

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday, November 12, 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 Mike Heberer – Code Enforcement Officer, Katherine Hillock – Assessor, Edward Skoda - Town Attorney, and Lita Hillier Budget Director arrived at 7:15pm. There were approximately 14 people in attendance.

Supervisor Kane called the meeting to order at 7:00 pm following the flag salute.

The clerk opened the two bids for the Golf Course Roof repair project. Received Nov. 10 from Stock’s Contracting – material & labor \$13,750.00; the second bid received Nov. 12 from Hayner’s Construction material & labor \$18,250.00.

RESOLUTION to award bid for repairs to the Golf Course Roof #2008-099

Offered by Councilman Sprung

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday November 12, 2008, and

WHEREAS, a legal notice was placed in the Leader Herald newspaper on October 29, 2008 and

WHEREAS, two bids were received to repair an area on the Nick Stoner Golf Course building roof, those being from Stock and Cool’s Contracting 120 Elfreda Dr. Gloversville NY 12078 (518) 725-6927 for material & labor \$13,750.00; the second bid from Hayner’s Construction PO Box 311 Caroga Lake NY 12032 (518) 835-6831 for material & labor \$18,250.00 now therefore be it

RESOLVED, that the Caroga town Board does hereby move to award the bid to Stock and Cool’s Contracting.

Unanimously Adopted

Supervisor Kane opened the public hearing on proposed Local Law #2-2008 – to amend Local Law #2-2006 at 7:03pm. He read the proposed amendments into the minutes. Councilman Sprung explained that if there was a ZBA hearing and an alternate member was called to sit in and the hearing was adjourned the alternate would return for the reconvened hearing.

Public: No one addressed the board this evening.

Department Reports:

Highway – No report

Code Enforcement & Sanitation – Mr. Heberer submitted his written report to the board. Between Oct. 8 to November 12 9 building permits, 2 heating, and 4 sanitation permits were issued.

The building committee has asked to do two test borings one 10” in the outside wall and a 2” one in the floor in the meeting room. There is a question as to if the newest section of the building is a slab on grade or if it is a slab on top of steel trusses with a slab underneath. Supervisor Kane spoke to someone who worked on the building all the way through he said it is trusses. Mr. Heberer spoke to Charlie Ackerbauer (engineer) said the same thing.

Council Member Scribner read from the Town Law Manual about citizens committees. “The important factor here is that a town board can not delegate its authority or authorize the spending of public money by private persons. The goal of such committee is advisory only.” Councilman Palcovic noted that the board would be authorizing spending the money not the committee. There is a company in Utica – Atlantis that does testing. Mr. Heberer received a price of \$350.00 from Pete Lozier for both drillings and to fill the holes.

RESOLUTION to authorize test borings

#2008-100

Offered by Councilman Palcovic

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday November 12, 2008, and

WHEREAS, Mike Heberer liaison from the building committee to the town board discussed with the board the committee’s desire to find out if the newest addition to the municipal building is on a slab or on trusses, now therefore be it

RESOLVED, that the town board does hereby move to spend up to \$350.00 to have two test borings done at the municipal building.

Unanimously Adopted

Mr. Heberer noted that the committee did tour the building but they could not get into the crawl space because the asbestosis removal crew is waiting for a department of labor waiver. If a waiver is not granted then more cost will be incurred, as a confined space crew will have to come in to do digging. Councilman Palcovic suggested cutting the floor out if they can’t reach the area. One committee member noted a concern in the time delay obtaining access to the building. Councilman Sprung offered extending the time the committee had to report back to the board.

Dog Control – Mr. Dutcher gave a verbal report to the clerk. She relayed that he had 7 calls for the month. He issued one ticket, which resulted in a \$150.00 fine.

Golf Course – operating day-to-day – final treatment of the greens for winter has been done.

BTI – no report

Weeds – Jack DeWeese reported that he had submitted the paperwork for reimbursement for the grant. The town has received the check.

Youth - No Report

Clerk/Registrar – The monthly cash report was submitted to the board. The clerk asked for approval to attend the BAS Tax Program user meeting is Dec. 3 in Clifton Park. She will be attending the NYSTCA regional meeting Dec.7 & 8 at no cost to the town, as I am an officer of the association, except for a \$25.00 luncheon.

RESOLUTION for Town Clerk to attend NYSTCA luncheon #2008-101

Offered by Councilman Sullivan

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday November 12, 2008, and

WHEREAS, the Town Clerk Linda Gilbert serves on the executive board as Secretary for the New York State Town Clerk’s Association, and

WHEREAS, there will be a regional meeting December 7 – 8, 2008 in Ithaca NY, and

WHEREAS, the association pays for the lodging, and mileage to the regional meetings but it is at the clerks cost to attend the Monday luncheon, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to approve the cost of the luncheon/meeting from account A1410.4 in the amount of \$25.00.

Unanimously Adopted

RESOLUTION for Town Clerk to attend Software User Group meeting #2008-102

Offered by Councilman Palcovic

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday November 12, 2008, and

WHEREAS, Business Automation Services will hold their annual training on the ITAX software program, which the Tax Collector uses in her office, on Wednesday December 3, 2008 in Clifton Park NY and

WHEREAS, the Tax Collector Linda Gilbert has expressed the need and desire to attend the training to best utilize the software, now therefore be it

RESOLVED, that the town board does hereby move to allow the clerk to attend said training with mileage costs coming from account A1410.4.

Unanimously Adopted

Assessor's Report – Mrs. Hillock reported that she did some digging on the Cold War Veterans exemption. Mr. Ruggerio from the Veterans Service Agency thought there would be two cold war vets in Caroga. Mrs. Hillock currently has five applications right now. The greatest amount of exemption they could get was \$12,000.00 per parcel based on the tax rate in town. If the town granted these five applications based on this years tax rate it would increase the 2777 taxable parcels by \$0.12 per parcel. She did not know if there would be more applicants. Mrs. Hillock noted that a Local Law has to be drawn up and a public hearing held after which the law is filed with the Department of State. This needs to take place before March 1st. It was stated that if there were 10 who apply the cost would be \$0.23 per parcel, if 20 applied the cost would be \$0.50. The county resolutions will be reviewed. Mrs. Hillock noted that it is a 15% exemption up to the cap of 12. Applicants must be honorably discharged from the military and served in active duty between September 2 1945 and December 26, 1991. This is a ten-year exemption - it does expire. If the person had a disability of some sort they would also be entitled to the disability exemption. A public hearing is expected in January.

MOTION Councilman Sullivan made a recommendation to follow up on this Cold War Exemption for Veterans. Councilman Sprung seconded the motion. All board members were in favor of the motion.

At 7:15pm the public hearing on the Fire Contract was opened. No public comment.

Committee Reports

Buildings and Grounds – Councilman Sullivan thanked the committee for their efforts and is looking forward to the results. Councilman Palcovic stated that all of the paperwork has been submitted for the next phase of the \$50,000.00 grant to the NYS Historic Preservation Dept. for evaluation of the old structure. Then EDC is contacted for the money. He submitted numerous photos. An environmental quality review was done. Included with the papers that were mailed was a statement of no impact.

Park Creation - Council Member Scribner reported that Creative Land Care started landscaping. They will do what they can to finish before the snow flies. They put in drainage around the pavilion and crusher run underneath and around it. They are burying conduit. A heavy cover will be put on the well. Council Member Scribner thanked Delaney Construction who donated six loads of crusher run, which the town hauled. An extension was applied for from Parks and Recreation to finish the project. The new date is December 2011. NYMIR donated a tree – which Creative Land Care planted. The net to keep golf balls away from the pavilion does not have to be as tall as originally thought. Since NIMO is setting the poles 34 feet would be the maximum height with a length of 150 ft.

Golf Course – no report

Cell Service – Council Member Scribner stated that she was waiting for APA to review the proposed Local Law. She asked if providers could be contacted while the town was waiting.

Mr. Heberer responded, "Yes, he would." He noted that on the DEC website it states they have already granted 12 applications. As far as sites – propagation studies Councilman Palcovic stated the maps on elevations have been looked at. It was noted that the towers have to be able to see each other.

Old Business:

BAR –one letter was received from Stephanie Bugaj

RESOLUTION to appoint Board of Assessment Review Member #2008-103

Offered by Councilman Palcovic

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday November 12, 2008, and

WHEREAS, a news release was placed in the Leader Herald newspaper on October 27, 2008 announcing an opening on the Board of Assessment Review, and

WHEREAS, one letter of interest was received, that being from Stephanie Bugaj of 152 Shawn Drive Gloversville NY which is located within the Town of Caroga, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to appoint Stephanie Bugaj to fill out the term vacated by Thomas Gilbert and whose term shall run until September 20, 2010.

Adopted by a vote of 4 Ayes with Councilman Sullivan abstaining

New Business:

Thanksgiving Holiday – Building Closed

Correspondence:

- 1) John Fenzl – two letters – Oct. 14 & 16
- 2) Genia Meinhold sent an email with questions about proposed building project. She was given the website as a source for information.
- 3) Workers Compensation Board 10-27-08 - notifying heads of all municipalities that business applying for permits, licenses, or contracts have appropriate workers compensation and disability benefits insurance coverage. This requirement applies to both original issuances and renewals whether the governmental agency is having the work done or is simply issuing the permit, license or contract. A new Form CE-200 will be available Dec. 1, 2008.
- 4) Lil Laker Joes – renewal of Wine & Beer permit
- 5) Robert Fear suggests producing a calendar with photos of the seasons in Caroga Lake
- 6) Attorney Sal Ferlazzo email re: Herms case.
- 7) Email about a Parks & Trails grants available

Resolutions:

RESOLUTION to contract with Fulton County for Transfer Station Utilization #2008-104

Offered by Councilman Sprung

Seconded by Councilman Palcovic

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday November 12, 2008, and

WHEREAS, the County wishes to continue a County-wide Solid Waste Transfer System; and

WHEREAS, the Municipality wishes to utilize the county transfer station, commonly referred to as the Caroga Station, Lane Road, Town of Caroga; and

WHEREAS, both parties wish to operate a transfer area for the purpose of receiving recyclables and compacting solid waste prior to ultimate disposal, now therefore be it

RESOLVED, in consideration of the foregoing premises and the mutual agreement hereinafter set forth to be kept and performed, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the town does hereto agree to all 21 terms of said agreement on file in the town clerks office which shall become effective January 1, 2009 and shall expire on December 31, 2013.

Unanimously Adopted

Supervisor Kane opened the public hearing on the budget at 7:30 pm. No comments.

Councilman Palcovic made a motion to close the public hearing on proposed Local Law #2 - 2008 which would amend Local Law #2-2006 all board members were in favor of the motion.

Council Member Scribner asked if the board wanted her to organize the Polar Express again this year. The date was set for December 16, 2008 at 6:30 pm. It was noted that the Nick Stoner Seniors have a meeting that day. They may conduct the meeting in the meeting room.

Councilman Sprung asked about leaving the one highway bill out to Kings for windshield washer deicer, which was excessive. It was thought that the product has been delivered and maybe in use. Attorney Skoda offered the option of approving the payment if the product was used but if it has not been opened it could be returned. This needs to be discussed with the department head. **Motion** made by Councilman Sprung seconded by Council Member Scribner to pay the bills as presented for audit except for voucher #195 Highway, product is to be returned if possible if unopened. Unanimously carried

Motion made by Councilman Sprung seconded by Councilman Sullivan to accept the minutes of the September 30 work session, October 8 Board meeting, October 22, 28, & 29 work sessions. Unanimously carried

Councilman Palcovic made a motion to close the public hearing on the budget. Budget Director, Lita Hillier recommended that the hearing remain open for a few more minutes.

Stephanie Bugaj asked the board on behalf of the Nick Stoner Trailer that County Highway 111 be opened to snowmobile traffic again this year.

RESOLUTION to open County Highway 111 to snowmobiles **#2008-105**

Offered by Councilman Sullivan

Seconded by the Entire Board

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday November 12, 2008 and

WHEREAS, Stephanie Bugaj, of the Nick Stoner Trailers has indicated a need to open County Highway 111 – London Bridge Road to snowmobile traffic again this year due to the closing of privately owned land to snowmobiles, now therefore be it

RESOLVED, that the entire road is hereby open for snowmobile traffic for the 2008 – 2009 season.

Unanimously carried

Cindy Marler of the building committee was told that they would be pretty much making a decision as far as the Primary Care Clinic. She stated that they have a two-year contract. Councilman Sprung stated that their findings are not binding. Councilman Sullivan noted the committee would only be making a recommendation. Councilman Palcovic stated the committee might make a negative recommendation. Mrs. Marler noted they just started paying rent. She asked how the amount of rent was determined. Supervisor Kane responded that was what Dr. Glenn paid. She thought the price should be set by sq footage. Councilman Palcovic noted a cost analysis was done. Attorney Skoda noted prior to this it was taken under consideration what the clinic was doing for the community. She heard that the clinic turned away a patient because they weren't taking new patients. Councilman Sullivan noted that as a medical professional he could turn away a patient. The town does not dictate their practice.

Motion made by Councilman Sprung and seconded by Councilman Palcovic to close the public hearing on the budget. Unanimously carried

Mrs. Hillier received a quote today about health insurance from Mr. Herman. There are four different groupings. Traditional Blue is a new plan that just came out. The rates look good. The prosthetic and orthotics have 50% co-pay up to a \$1,000.00 annual maximum. The inpatient service is a \$500.00 co-pay but a separate policy takes the \$500.00 off. That raises the rate by about \$10.00. The direct HMO (which was tweaked) is what was discussed with Mr. Hermance at the last meeting. The standard HMO would require referrals. There are six different versions of co-pays on the direct plan for the board to look at. The Traditional Blue has a country-wide network. The board discussed the option of having a two-person plan. Each time a tier is added the family plan goes up. The board decided to stay with a two-tier system. The town is looking at the plan called Traditional Blue PPO for the active employees. We would leave Empire Blue Cross to go to this now for the active and retirees. Mrs. Hillier noted this would not affect the budget; she is staying with her numbers. If the town starts in January they will be locked in for the whole year. The savings is between \$75-\$80 per person. Mr. Hermance was available by a conference call if the board wanted to speak to him tonight or he can meet with the board on Monday night. The board set a special meeting/work session for Monday November 17, 2008 at 5:00 pm.

RESOLUTION to adopt Local Law #2-2008 amending Local Law # 2-2006 #2008-106

Offered by Councilman Palcovic

Seconded by Council Member Scribner

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday, November 12, 2008 and,

WHEREAS, Pete Welker Chairman of the Zoning Board of Appeals discussed with the board the need to amend Local Law #2-2006 to define language for alternate members serving, and

WHEREAS, a legal notice was posted in the Leader Herald newspaper on November 4, 2008, and

WHEREAS, a public hearing was held on Wednesday November 12, 2008, now therefore be it

RESOLVED, that the following amendments shall be made to Local Law #2-2006 whereby the text shall read: **Section 2. DECLARATION ON POLICY** - In the event the Town of Caroga Zoning Board of Appeals (hereinafter ZBA) lacks a regular member for any reason on any matter pending before it, the Chairperson may appoint the alternate member to be seated in place of the absent or conflicted member. Such appointment shall be noted in the minutes of that hearing or meeting. And **Section 4. AUTHORIZATION/EFFECT** added at the end of C. Said alternate shall continue to sit for any adjourned dates for applications presented to the Board for consideration when initially heard by the alternate board member so as to provide continuity with the application.

Adopted by roll call vote:

Supervisor Kane – Aye

Councilman Palcovic – Aye

Councilman Sprung – Aye

Council Member – Scribner

Councilman Sullivan - Aye

Motion made by Councilman Sprung and Seconded by Councilman Palcovic to enter into an executive session to discuss a Legal Contract. Unanimously carried

Motion made by Councilman Sprung and seconded by Councilman Sullivan at 8:27 pm to exit from the executive session. Unanimously carried

Councilman Sprung made a motion to adjourn at 8:28 pm seconded by the entire board. Unanimously carried

Respectfully Submitted,

Linda M. Gilbert – RMC
Town Clerk