

State of New York  
County of Fulton  
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday December 17<sup>th</sup>, 2008 -changed due to a broken pipe- 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 - Absent  
Councilman Robert Sprung - Here  
Council Member Valerie Scribner - Here  
Councilman Robert Sullivan - Here

Other town officials in attendance were Joseph Insogna – Highway Superintendent, and Katherine Hillock – Assessor. There were seven members of the public in attendance including Supervisor Elect James Selmser.

Supervisor Kane called the meeting to order and led the salute to the flag. A moment of silence was held for Richard Shell who served as Assessor from Jan. 1, 1980 to Sept. 30, 2001.

**Public:** no comments this evening

**Department Reports:**

Highway – Mr. Insogna reported that he has had a couple of breakdowns. The big plow truck has a broken axel, pinion gear and housing. He estimates the parts at \$4,700.00. The truck is a 1995 with 168,000 miles on it. Sand is available to the public from behind the highway building. The new employees are working out well. They are cleaning up and cleaning out the highway barn. The lighting was taken out of the old highway office and reused. The computer at the school garage was used to check a town truck, but it did not show what was wrong.

Councilman Sullivan noted the recent icy conditions he experienced on the Lane Road. Mr. Insogna noted the many maintenance duties he has at the landfill site. Mr. Insogna stated he might want to change out the steel wheels on the trucks for aluminum as they last better. He is also looking to purchase a 4 wheel drive dump truck with a 10ft plow and sander on it the whole package should cost between \$48 -\$52,000.00. One of the big trucks could then be used as a spare. It is hard for the big trucks to get down the side roads. Fulton Co. has sent the Caroga Inventory of Highway machinery to the town.

**RESOLUTION to fix truck**

**#2008-110**

Offered by Council Member Scribner

Seconded by Councilman Sprung

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on December 17, 2008, and

**WHEREAS**, Mr. Insogna – Highway Superintendent discussed with the board the need to repair the front end of the 1995 plow truck due to a broken axel, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to give Mr. Insogna the money to purchase the necessary parts to repair the truck estimated to be about \$4,700.00.

Unanimously carried

*Code Enforcement & Sanitation* – Mr. Heberer submitted a written report - from November 13 to December 17 he issued 11 building permits and 3 sanitation permits. Councilman Sullivan read a memo attached to his report. The subject was the Citizen Committee and asbestos removal. The committee met on Dec. 3<sup>rd</sup> anyone not on the committee was informed that they would no longer be a part of the tours due to liability issues. The committee discussed renovating the 1985 section of the building. The committee requested that Mr. Heberer contact CT mail for a RFP for the renovation study and cost analysis, which he did. The asbestos removal will be complete on Dec. 19<sup>th</sup>. There will still be six panels that will have to be removed after the electrical panels are removed.

The board discussed why the pipe broke in the basement last week causing the closure of the municipal building thus postponing the monthly meeting. It was Supervisor Kane’s understanding that there was plywood covering a window, which the wind blew down causing the pipe to freeze and break.

Supervisor Kane showed the board a form to release the town from liability and indemnity for those in the committee who want to go into the crawl space. The waiver will have to be filled out before going into that area. Supervisor Kane stated, “CT Male claims on the dirt down there, there is asbestos dust, he said nobody should be in there.”

Council Member Scribner asked if CT Male was doing much work for us now – “they’re pretty much done until we instruct them to..?” Councilman Sprung agreed that they should be stopped from what ever they are doing, “enough is enough until we need them.”

**RESOLUTION to Stop the services of CT Male** **#2008-111**

Offered by Council Member Scribner

Seconded by Councilman Sprung

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on December 17, 2008, and

**WHEREAS**, the board discussed the ongoing work being done by CT Male Engineers 50 Century Hill Drive Latham NY 12110 (518) 786-7400 for the Town of Caroga, now therefore be it

**RESOLVED**, that the Caroga town Board does hereby move to direct CT Male Engineers to stop until the board so directs a need for them in the future, due to the cost.

Unanimously carried

Councilman Sprung has heard rumors, as others have, that the enrollment in Wheelerville School is going down. They have lost a lot of students. Though he would hate to see the school closed and the building become vacant. He asked if the board had any interest in fixing the roof on this building? Supervisor Kane noted that the school building is much bigger than what the town would need. Councilman Sullivan noted that the school does want to meet with the town board. Sometime after the first of the year was suggested.

*Dog Control* – The clerk reported 22 delinquent dogs for 2008. The list will be given to the Dog Control Officer.

*Golf Course* – Mr. Jennings recommended that no change in rates for the golf course due to the economy. He suggested setting the rates so gift certificates could be purchased. Council Member Scribner stated she was in favor of leaving the rates the same.

*BTI* – no report

*Weeds* – no report

*Youth* - no report

*Clerk/Registrar* – The clerk gave a copy of the monthly cash report to the town board. She asked the board to set a date for all Claims against Town to be in. December 26, 2008 was set; a notice will be placed in the newspaper.

*Assessor's Report* – Katherine Hillock - Assessor gave a copy of the proposed Local Law for a Cold War Veterans Exemption to the board. She suggested having the public hearing in January. She noted that taxable status date is March 1<sup>st</sup> and the law would have to be filed with the Department of State by then. It is a 15% exemption for veteran in active duty between 1945 and 1991. The exemption runs out in ten years. There are currently 6 applicants. The county does offer this. Council Member Scribner asked if the board could read this over and set the hearing at the next meeting.

Supervisor Kane asked if she set the assessment for the Herms property. She responded that Frank Parker former assessor set it. She said it is on the low side.

The board set a year-end meeting for Tuesday December 30, 2008 at 7:00 pm.

## **Supervisor's Report**

### **Committee Reports**

*Buildings and Grounds* – Parks, Rec. and Historic Preservation – In a memo from Councilman Palcovic he state that he expects formal written approval for the project to proceed with no historic findings in the next two weeks.

*Park Creation* – Council Member Scribner reported the documentation required for an extension was sent to Parks and Recreation.

*Golf Course* – No report

*Cell Service* – Council Member Scribner spoke to Sal Ferlazzo about contacting providers. Mr. Ferlazzo recommended not contacting anyone until the Local Law is in place. DEC has still not approved it.

Supervisor Kane noted that the board all received copies of the transfers per Mrs. Hillier – budget director.

**RESOLUTION to make necessary Transfers** **#2008-112**

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Offered by Councilman Sprung

Seconded by Councilman Sullivan

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on December 17, 2008, and

**WHEREAS**, the Budget Director Lita Hiller has indicated the need to make transfers to and from various line items in the 2008 budget now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to make the following:

**RESOLUTION** to amend the 2008 General Fund Budget to raise revenues and appropriations to use excess weed program grant funds toward expenses incurred as follows:

A510 – Estimated Revenues	\$ 3,315.58
(A3910 – Weed Grant)	
A960 – Appropriations	\$ 3,315.58
(A8090.1 – Weed P.S. \$2,514.60)	
(A8090.2 – Weed E.Q. \$800.98)	

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**RESOLUTION** to amend the 2008 General Fund Budget to raise revenues and appropriations to use excess anticipated fourth quarter sales tax distribution and excess mortgage tax distribution toward expenses incurred as follows:

A510 – Estimated Revenues	\$43,156.81
(A1120 – Sales Tax \$30,000.00)	
(A3005 – Mortgage Tax \$13,156.81)	
A960 – Appropriations	\$43,156.81
(A1440.4 – Engineer C.E. \$26,449.70)	
(A5132.4 – Garage C.E. \$16,707.11)	

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**RESOLUTION** to make the following necessary budget transfers:

To : A1110.4 – Justice C.E.	\$ 1,000.00	
From : A1110.2 – Justice E.Q.		\$ 1,000.00

To : A1420.4 – Attorney C.E.	\$27,755.86	
From : A1990.4 – Contingent		\$ 2,755.86
From : A9950.9 – Transfer to Capital Projs.		\$25,000.00
To : A1440.4 – Engineer C.E.	\$57,388.00	
From : A821 – Encumbrances		\$50,000.00
From : A9010.8 – Retirement		\$ 7,388.00
To : A9060.8 – Health Insurance C.E.	\$ 835.22	
From : A1990.4 – Contingent		\$ 835.22
To : A5132.4 – Garage C.E.	\$12,628.60	
From : A1320.4 – Audit		\$ 2,000.00
From : A1910.4 – Unallocated Ins.		\$ 2,372.99
From : A1990.4 – Contingent		\$2,176.80
From : A4050.1 – BTI P.S.		\$ 495.00
From : A4050.2 – BTI E.Q.		\$1,824.58
From : A4050.4 – BTI C.E.		\$3,535.77
From : A5010.4 – Hwy. Supt. C.E.		223.46
To : A8090.2 – Weed E.Q.	\$ 186.52	
From : A8090.4 – Weed C.E.		\$ 186.52
To : A3620.1 – Code Enf. P.S.	\$ 2,700.00	
To : A3620.11 – Code Enf. Clerk P.S.	\$ 800.00	
From : A3620.2 – Code Enf. E.Q.		\$ 3,500.00
To : A7180.2 – Golf Course E.Q.	\$ 69.21	
From : A7180.4 – Golf Course C.E.		\$ 69.21
To : A7180.41 – Porta Johns C.E.	\$ 240.00	
From : A7180.4 – Golf Course C.E.		\$ 240.00
To : DA5110.1 – General Repairs P.S.	\$ 1,540.61	
From : DA5110.4 – General Repairs C.E.		\$ 1,540.61
To : DA5130.2 – Machinery E.Q.	\$ 4,800.00	
From : DA9060.8 – Health Ins. C.E.		\$ 4,800.00
To : DA9089.8 – Uniform C.E.	\$ 726.13	
From : DA9060.8 – Health Ins. C.E.		\$ 726.13
To : DA5142.4 – Snow Removal C.E.	\$20,000.00	
From : DA5112.2 – CHIPS		\$20,000.00

Unanimously carried

**New Business:**

ZBA member Doug Purcell – request to attend training in Saratoga 1/28/09

**RESOLUTION to allow ZBA members to attend training** **#2008-113**

Offered by Councilman Sprung

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday December 17, 2008 and

**WHEREAS**, Douglas Purcell is a member of the Zoning Board of Appeals did give the board information on an upcoming training in Saratoga Springs NY that he would like to attend, and

**WHEREAS**, effective January 1, 2007 per Chapter 662 of the Laws of 2006 a law requiring a minimum of four hours of training be received by municipal planning and zoning officials each year took effect and resolution #2007-070 was passed on October 10, 2007 implementing said law in the Town of Caroga, now therefore be it

**RESOLVED**, that the Town Board does hereby move to allow Douglas Purcell ZBA member to attend an upcoming training sponsored by the Saratoga County Planning Board 50 West High Street Ballston Spa NY 12020 for a fee of \$50.00 for registration plus mileage on January 28, 2009.

Unanimously carried

Council Member Scribner asked if the new members who were coming on also needed to attend training? The clerk will give them the information on the upcoming training. The clerk will give the board a report at the next meeting as to who still has to attend the mandatory training to be in compliance.

The board discussed a worksite agreement with Fulton Co. Department of Social Services. Councilman Sprung asked if we had to or wanted to do this. Councilman Sullivan did not think there was much for them to do. He did not want them any place where there is private information. Councilman Sprung was not in favor he speaks from past experience at his job in Gloversville. Council Member Scribner thought they could do cleaning in the building. She noted they would have to be supervised. It was suggested to talk to the current janitorial staff next year about the number of hours he works.

The board asked the highway superintendent if he could ever use community service work. He responded that he could in the summer time – painting, or cleaning the pro- shop was suggested. The board will examine the contract.

Councilman Sullivan noted there is a voucher for court mileage from Oct. 2007.

**RESOLUTION to pay mileage from 2007** **2008-114**

Offered by Councilman Sullivan

Seconded by Councilman Sprung

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday December 17, 2008 and

**WHEREAS**, James Subik – Town Justice submitted a voucher dated 12/1/08 which includes mileage from October 16, 2007 to December 28, 2007 and whereby the rate in 2007 was lower than the amount paid per mile in 2008, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to pay said voucher as adjusted for the correct rate for the year 2007.

Unanimously carried

The Zoning Board of Appeals held interviews for two vacant seats on the board. It recommends Robert Kane for the vacant seat and Janice Corr for alternate seat.

**RESOLUTION to appoint members to the Zoning Board of Appeals #2008-115**

Offered by Council Member Scribner

Seconded by Councilman Sullivan

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday December 17, 2008 and

**WHEREAS**, there will be two openings on the Zoning Board of Appeals effective December 31, 2008, and

**WHEREAS**, a notice was placed in the Leader Herald Newspaper announcing the vacant seat and alternate seat on said board, and

**WHEREAS**, the Zoning Board held interviews earlier this month to interview those who expressed an interest in the vacancies, and did notify the town board of their recommendations, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to appoint Robert Kane of London Bridge Road for the vacant seat and Janice Corr of Kasson Drive for the alternate seat.

Carried by a vote of three Ayes

In other new business Council Member Scribner spoke to a resident who just finished the Master Gardner program at Cornell –Cooperative Extension. Jenny McCarthy is looking to setup a community garden in town if there is interest. A 12 x 24 garden space with irrigation is needed. An area in the park across the street was suggested. Anyone interested was asked to let the board know.

**Correspondence:**

Certified letter from Time Warner Cable notice of possible changes in channels or programming  
Fulton Co. Resolution #525 Authorizing inclusion of informational flyer in 2009 County tax bills

Certified mail -Royal Mountain renewal of Liquor License

Fulton County Dept. of Solid Waste Holiday hours doesn't effect the transfer station.

Adirondack Park Local Government Conference Topic Survey – Town board members were encouraged to fill out the survey. They may be mailed or Faxed back to the APA. The conference will be March 24 – 25, 2009.

**Resolutions:**

Supervisor Kane asked for a resolution to accept a truck from the Wheelerville School. He requested a letter of thanks be sent to them.

**RESOLUTION to accept pickup truck from the school** **#2008-116**

Offered by Councilman Sullivan

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday December 17, 2008 and

**WHEREAS**, the Wheelerville School has a 2004 Chevy 2500 HD truck that they wish to give to the Town of Caroga, and

**WHEREAS**, the Board is appreciative of the offer of the truck and is desirous to accept said truck, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to accept the truck from the school with their thanks.

Unanimously carried

The Highway Superintendent requested that the 8 ft plow, with frame and motor be removed from the truck for use on a Chevy truck that he uses to plow. Council Member Scribner reminded the Supervisor to call the insurance company to notify them of the new truck on our policy.

The holiday schedule for the municipal building was set. The building will be closed Dec. 24, 25, 26, & Jan 1<sup>st</sup>, 2009 a half day will be worked on Dec. 31.

Councilman Sprung noted that Mr. Achzet retired recently after working 26 years for the highway department. He asked Councilman Sprung about a lifetime golf membership. Council Member Scribner thought it would set a precedent. Councilman Sullivan wanted to see if this has been done in the past. The matter will be discussed when there is a full board.

Council Member Scribner made a motion to pay the bills as presented for audit and to accept the minutes of the November 5, 12, & 17 meetings. Councilman Sprung seconded the motion.

Unanimously carried

**Executive Session:** At 7:40 pm Councilman Sprung made a motion to enter into an executive session to discuss the Herms case. Council Member Scribner seconded the motion. Unanimously carried

At 7:50 pm a motion was made by Councilman Sprung and seconded by Council Member Scribner to exit the executive session. Unanimously carried

Council Member Scribner gave the clerk a form to report street light outage to Niagara Mohawk a National Grid Company.

The board wanted the judge to be made aware that he should submit a mileage voucher within the year it is driven.

**RESOLUTION to continue with the Appeal in the Joseph Herms case #2008-117**

Offered by Council Member Scribner

Seconded by Councilman Sprung

**WHEREAS,** the Caroga Town Board held its regular monthly meeting on Wednesday December 17, 2008 and

**WHEREAS,** the board held an executive session to discuss a settlement negotiation being offered in the Caroga vs. Herms case, now therefore be it

**RESOLVED,** that the Caroga Town board does hereby move to go forward with the Appeal and does not wish to go along with the recommendation/mediation as offered on November 17, 2008 in the presence of the Judicial Hearing Officer the Hon. Patrick D. Monserrate.

Unanimously carried

At 7:59 pm Councilman Sprung made a motion to adjourn unanimously seconded.

Respectfully Submitted,

Linda M. Gilbert – RMC  
Town Clerk