

State of New York
County of Fulton
Town of Caroga

Minutes of the Re-organizational Caroga Town Board meeting held Tuesday January 6, 2009 at the municipal building located at 1840 State Highway #10 at 6:30 pm with the following persons in attendance by Roll Call:

Supervisor James Selmsler - 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, Joseph Insogna – Highway Superintendent and Katherine Hillock – Assessor. There were 10 members of the public in attendance.

Supervisor Selmsler opened the meeting with the salute to the flag.

Supervisor Selmsler made a motion to enter into an executive session at 6:32 pm to discuss legal needs- to meet with the proposed new attorney. Council Member Scribner seconded the motion. Unanimously carried

At 7:01 pm Council Member Scribner made a motion to exit from the executive session, Councilman Sprung seconded the motion. Unanimously carried (See Resolution #2009-007 for action taken during executive session)

There were no comments from the public this evening.

RESOLUTION Naming Appointed Positions for the year 2008 **#2009-001**

Offered by Councilman Palcovic

Seconded by Council Member Scribner

WHEREAS, the Caroga Town Board held its Reorganizational meeting on Tuesday January 6, 2009 and

WHEREAS, the following information was examined and reviewed by the Caroga Town Board, now therefore be it

RESOLVED, that the following persons are hereby appointed as officials in the Town of Caroga for the year 2009:

Sanitation Inspector – Michael Heberer
Code Enforcement Officer – Michael Heberer
Registrar of Vital Statistics - Linda Gilbert
Dog Control (Animal Control Officer) - Howard Dutcher

Health Officer - Dr. John Glenn
Youth Director – Desire Hines
Historian - Inger Mc Daniel
Building Maintenance Staff – Richard Springstead
B.T.I. Coordinator – Candace Dean
Weed Harvesting Coordinator - Jack DeWeese
Sole Assessor – Katherine Hillock appointment to run until 9-30-2013
Attorney to the Town - Susan Palmer Johnson
Golf Professional/Greenskeeper/Manager - Steve Jennings
Planning Board Chairman – Douglas Smith
Zoning Board Chairman – Pete Welker
Assessor Clerk- LoriAnn Lewis
Deputy Town Supervisor – Ralph Palcovic
Deputy Highway Superintendent – Robert Stock
Deputy Town Clerk – Constance Konik
ZBA & Planning Clerk – Linda Gilbert
Code Enforcement Clerk – Sandra Pavlus
Bookkeeper and Budget Officer – Lita Hillier

Adopted by the following roll call vote:

Councilman Sprung - yes
Council Member Scribner - yes
Councilman Sullivan – yes
Supervisor Selmser- yes
Councilman Palcovic – yes

RESOLUTION – Naming Elected Officials and their Positions #2009-002

Offered by Supervisor Selmser

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its Reorganizational meeting on Tuesday January 6, 2009 and

WHEREAS, the Caroga Town Board did review the list of the elected officials and their titles, now therefore be it

RESOLVED, that the following are hereby listed as the elected officials, in the Town of Caroga for the year 2009 as follows:

Supervisor – James K. Selmser
Highway Superintendent – Joseph Insogna
Town Clerk/Tax Collector/Registrar/Records Management Officer - Linda Gilbert
Town Justice - James Subik
Councilman – Robert Sullivan
Councilman – Ralph Palcovic
Councilman – Robert Sprung

Council Member – Valerie Scribner

Adopted by the following roll call vote:

- Council Member Scribner - yes
- Councilman Sullivan – yes
- Supervisor Selmser- yes
- Councilman Palcovic – yes
- Councilman Sprung - yes

RESOLUTION to set yearly salaries and hourly rates for the year 2009 #2009 - 003

Offered by Supervisor Selmser

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its Reorganizational meeting on Tuesday January 6, 2009 and

WHEREAS, the town board desires to set the salaries of Elected, and Appointed Officials in the Town of Caroga, Now therefore be it

RESOLVED, that the following yearly salaries and hourly rates as amended for elected and appointed officials, in the Town of Caroga for the year 2009:

Salary Elected & appointed Officials to be paid quarterly:

- (4) Town Board Members \$3,043.75 ea,
- (1) Budget Officer \$4,965.00

Salary Elected & appointed Officials to be paid monthly:

- (1) Town Justice \$12,449.00
- (1) Dog Control Officer PT \$ 4,840.00
- (1) Attorney to the Town (paid monthly by contract) \$ 600.00
- (1) Court Clerk \$ 2,251.00

Salary Appointed Officials to be paid annually:

- (1) Health Officer (paid annually by contract) \$ 1,540.00
- (1) Historian \$ 584.00
- (1) Assessment Review Board (Chairman) \$ 386.25
- (4) Assessment Review Board Members \$ 292.68 ea.
- (1) Deputy Superintendent of Highways \$ 1,498.00
- (1) Weed Coordinator \$ 844.00

Salary Elected & appointed Officials to be paid bi-weekly:

- (1) Supervisor \$ 9,740.00
- (1) Deputy Supervisor \$.00
- (1) Bookkeeper to Supervisor (secretary) \$19,214.00
- (1) Town Clerk/Tax Collector \$28,071.00
- (1) Sole Assessor \$29,500.00
- (1) Code Enforcement Officer \$20,000.00
- (1) Registrar of Vital Statistics \$ 550.00
- (1) Superintendent of Highways (refuse Coordinator duties) \$41,269.00

(1) Greenskeeper (Manager/Golf Pro)	\$36,208.00
(1) B.T.I. Coordinator	\$13,192.00
(1) Youth Director	\$ 2,706.00
(1) Math Teacher	\$ 1,760.00
(1) Reading Teacher	\$ 1,760.00
(7) Youth Aid	\$ 1,273.00each
(1) Bus Driver (\$14.00 per hr. not to exceed	\$ 1,272.00
(1) Youth Aid – Head councilor	\$ 1,519.00
(1) Life Guard	\$ 1,350.00

Appointed Employees to be paid hourly:

(1) Clerk PT (assessment Review Board) not to exceed \$300.00 per year	\$11.25
Laborers (Refuse/Highway; full-time)	\$12.51
Laborers (Refuse/Highway; part-time)	\$12.38
(1) Deputy Town Clerk -Not to exceed \$9,000.00 per year	\$ 9.01
Laborers (Golf Course I)	\$ 9.70
Laborers (Golf Course II start of 3 rd yr./after 2 summers)	\$12.38
Assistant to Golf Professional (Pro Shop I)	\$ 9.70
Assistant to Golf Professional (Pro Shop II start of 3 rd yr./after 2 summers)	\$10.57
BTI technicians (I)	\$ 9.20
BTI Technicians (II)	\$10.41
(1) Clerk PT (Code Enforcement) (Not to exceed \$9,000.00)	\$10.91
(2) Divers	\$18.88
(1) Tender	\$11.03
(1) Laborer (Janitorial)	\$11.33
(1) Planning & Zoning Secretary	\$ 9.29
Assessor Clerk (not to exceed \$11,370.00)	\$11.26

Discussion the Youth Directors salary was discussed and changed from \$2,809.00 to \$2,706.00. A lifeguard position salary was set at \$1,350.00. The Attorney salary was set at \$600.00 monthly. The clerk asked the board about the hourly rate set for the assistant to the pro shop I. The salary is more than the rate set for new clerks hired at the municipal building. She asked the board to examine the salary. The supervisor suggested meeting with the Golf Pro on this matter. The salary was set as read.

Adopted by the following roll call vote:

- Councilman Sullivan – yes
- Supervisor Selmser- yes
- Councilman Palcovic – yes
- Councilman Sprung - yes
- Council Member Scribner - yes

RESOLUTION to amend Resolution #2009-01

#2009-004

Offered by Councilman Palcovic

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its Reorganizational meeting on Tuesday January 6, 2009 and

WHEREAS, the town clerk noticed that a salary was announced and set for the position of Court Clerk, and

WHEREAS, a court clerk was not named to the list of appointed positions in resolution #1-2009, now therefore be it

RESOLVED, the Tammie (Thelma) Subik is hereby named as the court clerk for the Town of Caroga.

Unanimously Carried

RESOLUTION stating Organizational Business - Miscellaneous #2009 - 005

Offered by Supervisor Selmsner

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its Reorganizational meeting on Tuesday January 5, 2008 and

WHEREAS, the following information was examined and reviewed by the Caroga Town Board, now therefore be it

RESOLVED, that the following information is hereby offered for the purpose of conducting business in the Town of Caroga for the year 2009:

Financial Institution:

NBT 142 N. Comrie Ave. Johnstown NY

That the Regular meetings of the Town Board of the Town of Caroga will be held on the second Wednesday of each month at 7:00 p.m.

That the Supervisor is authorized to do the following: Invest money anytime that there is money to invest. Pay fixed bills such as telephone, electric, gasoline, oil, salaries, contract, insurance etc. when due. Pay quarterly salaries of elected officials on the same day as the second bi-weekly payroll of the following months - March, June, September, and December.

That Gas Mileage for the year 2009 will be \$0.50 per mile

That the Highway Superintendent is authorized to spend \$1,500.00 without authorization - keeping within budget appropriations.

The Official Newspaper - Leader Herald

The Rate for Election Inspector for the year 2009

Primary Day - \$100.00

Election Day - \$150.00

\$10.00 per hour for any broken days

Payment for mileage is \$0.50 per mile. A rate of \$25.00 has been set for attending school. The chairman is paid an extra \$25.00 as they must take the books back and perform extra work.

If an elected or appointed official is going to go on vacation or to a seminar, etc. for more than 48 hours, the Supervisor or Town Clerk should be notified and it should be marked on a calendar in the Town Clerk's office.

Council Member Scribner noted that in the past multiple banks were used. Supervisor Selmser responded that everything has been consolidated to NBT bank, "if there are any recommended change or investment that can be gained by the town elsewhere, we will pursue it."

Adopted by the following roll call vote:

Supervisor Selmser- yes

Councilman Palcovic – yes

Councilman Sprung - yes

Council Member Scribner - yes

Councilman Sullivan – yes

RESOLUTION Setting the benefit package for the Highway Department #2009 - 006

Offered by Supervisor Selmser

Seconded by Councilman Palcovic

WHEREAS, the Caroga Town Board held its Reorganizational meeting on Tuesday January 6, 2009, and

WHEREAS, the Supervisor did discuss with the highway superintendent the salaries and benefits for the year 2009 for the Highway Department Employees, now therefore be it

RESOLVED, that the Caroga Town Board does hereby set the salaries and benefits for the Caroga Highway Department for the year 2008 as follows:

Regular Laborer - \$12.51 per hour for the year 2009

Motor Equipment Operators – MEO's - \$14.62 per hour for the year 2009

Mechanics - \$15.04 per hour this salary will be examined again in July 2009

Starting January 1, 1990 and each year thereafter, each employee will receive \$50.00 longevity per year for each year of service with the Town of Caroga to be paid December 15th of each year. In the event that an employee leaves employment with the Town of Caroga during a calendar year they would receive their longevity pro-rated for that particular year. They would receive \$25.00 up until July first and the full \$50.00 thereafter till December 31st.

In the event that an employee terminates employment with the Town of Caroga and then is re-hired they will start from day one with the \$50.00 longevity.

New employees have 5 days pay held back. Employees are paid on Friday's bi-weekly. They will be paid one and a half times for any hours actually worked over 40 hours in any pay period covering 7 days Monday - Sunday.

When an employee works on a holiday, the employee is to be paid for the holiday plus one and a half times their hourly rate for hours worked for the day.

FRINGE BENEFITS - HOLIDAYS - 11 PAID - New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, General Election Day, Veterans Day, Thanksgiving Day, Christmas Day, Floating Holidays are: Columbus Day and Martin Luther King Day.

PERSONAL DAYS - Two paid personal days per year; to be used within the year.

VACATION DAYS - One day per month after six (6) months employment with the Town, but not to exceed 24 accumulated days at any time. The employee must request and get approval from the Highway Superintendent prior to taking vacation time.

SICK DAYS - One day every two months after six months of employment with the Town (six per year), not to exceed twenty accumulated sick days at any time.

CLOTHING ALLOWANCE - \$225.00 per year clothing allowance per person for the highway personnel to be paid on March first of each year.

COUNTY COMPENSATION - COUNTY PAID - 100%

HEALTH INSURANCE – Blue Shield of Northeastern NY (Family plan) TOWN PAID 100%

NEW YORK STATE RETIREMENT PLAN 75-C TIER 1,2,3, & 4.

UNUSED SICK TIME - Employees who do not utilize any sick time in a calendar year shall be paid \$200.00. Such payment shall be paid in the first payroll in January in the succeeding year.

Discussion: Council Member Scribner suggested looking into an incentive buyout plan for employees who could have insurance through their spouse. It was noted that if sick days can not accumulate more than 20 days.

Discussion: Highway Superintendent Insogna noted that the mechanic is at the same rate that the previous mechanic left at, in July he would like to review the salary. He remembers the board discussing starting the mechanic at \$16.00. “The mechanic is happy where he is right now. He will be satisfied with this.” Mr. Insogna stated that he uses him to drive the sander.

Adopted by the following roll call vote:

Councilman Palcovic – yes

Councilman Sprung - yes

Council Member Scribner - yes

Councilman Sullivan – yes
Supervisor Selmser- yes

Council Member Scribner suggested waiting to make the resolution to contract with Mr. Jennings until he is in town and the board can discuss it with him. Councilman Palcovic asked how he was to be paid if the contract was not set. It was noted that according to the Budget director it was not necessary to put the salary in the contract. This was not part of the reorganizational for many years. Councilman Palcovic made a **motion** to table the matter; Councilman Sprung seconded the motion *Unanimously carried.*

RESOLUTION to contract with Attorney

#2009-007

Offered by Councilman Sullivan

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its Reorganizational meeting on January 6, 2009 and

WHEREAS, an executive session was conducted to discuss and meet with the proposed new attorney, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to enter into a contract with Attorney Susan Palmer Johnson as follows:

THIS AGREEMENT made this 6th day of January 2009, between the TOWN OF CAROGA hereinafter referred to as the “TOWN” and SUSAN PALMER JOHNSON, hereinafter referred to as the “ATTORNEY FOR THE TOWN”

WHEREAS, the Town is a duly constituted municipal corporation in the County of Fulton, New York,

WHEREAS, Attorney for the Town is an attorney-at-law duly licensed to practice in the State of New York, with an office at 17 West Main Street, Johnstown, New York, and

WHEREAS, the said Attorney for the Town is, and has been serving as the duly appointed Attorney for the Town for the said Town, and

WHEREAS, the Town and the Attorney for the Town are desirous of confirming the nature of their relationship and confirming their respective obligations.

NOW, THEREFORE, it is hereby mutually agreed as follows:

1. The said Attorney is the duly appointed and acting Attorney for the Town having been appointed pursuant to Section 20 of the Town Law of the State of New York. As such, the said Attorney for the Town is functioning as an independent contractor and not as an employee of the Town.
2. The duties of the Attorney for the Town are those contemplated by Section 20 of the Town Law and other applicable statutes, rules and regulations.

3. The Attorney for the Town shall perform all of the ordinary and necessary legal work, which the Town requires, except that, in those matters which require special legal expertise or in which the Attorney for the Town would have a conflict of interest, the Town may hire outside counsel to act in the place of the Attorney for the Town.
4. Attorney for the Town shall act as legal counsel to all Town Officials in general and to the Town Board and Town Supervisor in particular, as needed.
5. The compensation of the Attorney for the Town shall be set and reviewed annually by the Town Board and shall be paid monthly. The Attorney for the Town will be compensated seventy-two hundred (\$7,200.00) dollars annually to be divided into twelve (12) monthly installments of six hundred (\$600.00) dollars each.
6. The Attorney for the Town shall serve at the pleasure of the Town Board for a term of two (2) years, as provided by statute, and may only be removed from office for good cause shown, after prior notice and due process hearing.
7. This agreement shall remain in full force and effect for such period of time as the said Attorney continues to serve as the Attorney for the Town unless sooner terminated by mutual consent of the parties hereto, or for good cause as aforesaid. It shall not be changed orally, and shall be construed in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the date first above written.

Unanimously carried

Supervisor Selmsler noted that he has had a conversation with a couple of officials regarding APA regulations. He noted that Fulton County has gone onboard with eight other counties to file a lawsuit against the Adirondack Park Agency. Several other towns have also joined the lawsuit – Bleecker, Broadalbin, Newcomb, Indian Lake, Chestertown, and Black Brook. If the board would like to be a part of the legal filing they would have to let the attorneys know. Supervisor Selmsler stated that the other towns have made a commitment of \$1000.00 each the counties \$3000.00 each.

Code Enforcement Heberer stated that most of the towns in the APA are going to join this. They have made sweeping changes to the shoreline restrictions. “Right now as it stood today if you had an existing footprint mom and pops little camp 50/70 years old, you could tear it down and in the same footprint rebuild it but add another floor if it was only one floor. That no longer is true. Used to be that you could add on to the back of it as long as you going away from the lake and not any wider than what was in front, you could do that without going to the zoning board. That is still partially true, until you exceed 250 sq ft and that counts both floors.” They really tightened everything down. “Any outside changes other than cosmetic in structures that are in the setback already – which 90% of our structures on the lakes are, means they have to go to the zoning board. This is going to increase the work not only for the zoning board but also for Linda, for me because there are going to be more applications that have to be processed.” “ Without a zoning board approval and APA approval anymore tear down and rebuilds. Councilman Sullivan was in favor of joining the lawsuit.

The filing has to go in to meet the APA time limit by next Tuesday. Councilman Palcovic asked Mr. Heberer if he believed it was in the town’s best interest to pursue this organizational effort to change the law? Mr. Heberer responded, “I do, I think this is really going to hamper things in the

town of Caroga. It really limits the amount of expansion on the most desirable pieces of property – that is the lakefront properties.” He noted that the APA is overturning the local zoning boards more often. Councilman Sullivan stated that within the last year he was on the board there were several no’s even with some very nice plans that were submitted. Councilman Sprung asked if this was money in the budget for this? Council Member Scribner asked if this was a one-time \$1000.00 expense? Supervisor Selmsler responded one- time, but there could be a possibility of more. To approve anymore another resolution would have to be made.

RESOLUTION to Join Petition for Reconsideration re: APA 2008 Rule Making #2009-008

Offered by Councilman Sprung

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its Reorganizational meeting on January 6, 2009 and

WHEREAS, Supervisor Selmsler received a correspondence dated January 5, 2009 from McPhillips, Fitzgerald & Cullum L. L. P. regarding recent Adirondack Park Agency 2008 Rule Making (the “2008 Rules”) and

WHEREAS, the board discussed the changes made by the Adirondack Park Agency with the Code Enforcement Officer Michael Heberer who states the changes would limit the amount of expansion on the lake front properties in the Town of Caroga, and

WHEREAS, several Counties and Towns have been contacted to join a petition for Reconsideration, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to spend \$1,000.00 from A1420.4 to join this action which the County of Fulton has already voted to participate in as well as Essex, Franklin, Hamilton, Saratoga, Warren and Washington Counties and the Towns of Indian Lake, Newcomb, Ohio, Blecker, and Black Brook.

Unanimously Carried

Supervisor Selmsler met the new DEC Officer Shane M. Manns. He resides here in Caroga Lake. It was noted that former Conservation Officer Johnson had keys to the municipal building but it is not know the whereabouts of those keys after he retired. The new officer was interested in having access to the municipal building. Mr. Johnson will be contacted about the keys.

RESOLUTION to amend resolution #2008-116 **#2009-009**

Offered by Councilman Sprung
Palcovic

Seconded by Councilman

WHEREAS, the Caroga Town Board held its Reorganizational meeting on January 6, 2009 and

WHEREAS, the clerk identified a need to correct the information in resolution #2008-116 namely the year of the truck donated to the town by the Wheelerville Union Free School as the title was recently given to her and

WHEREAS, the vin number is also now available, now therefore be it

RESOLVED, that the Caroga town board does hereby move to amend resolution #2008-116 to state the year of the vehicle to be a 2003 Chevy 2500 HD with a VIN# of 1GCHK24493E148225.

Unanimously carried

Mr. Insogna stated he would make arrangements to go to DMV tomorrow to change the plates over. He said Mrs. Hillier would call the insurance company.

An email was received from the Webmaster Jennifer Knapp. She stated that the site has not been redesigned since it was first launched in 2005. There would be a cost of roughly \$500.00. "If it would just be minor changes, it may be considered part of the maintenance contract we have." Councilman Sullivan suggested discussing this at budget time. He thought it needed to be updated.

Supervisor Selmsler noted the county is launching a new website and he believes there could be some possible links in the future with the town website. Council Member Scribner thought Ms. Knapp's contract was up this year. It is a two-year contract. Councilman Palcovic was in favor up updating accordingly.

The clerk gave information to the supervisor on Official Undertakings that are required by municipal officers in addition to oaths of office. Through meetings with the New York State Town Clerk's Assoc. this topic has been discussed. It is part of Town Law §25. The town board needs to approve the official undertaking as to its form - public officers law #11. This information should be on file in the clerk's office. Sample resolutions are available.

Doug Smith chairman of the planning board gave the town board recommendations to revise Local Law #2 of 2005 "Town of Caroga Minimum Conditions for Maintenance of Structures, Equipment, and Exterior Property." This information was given to the new attorney to review before we go forward with it and set up a public hearing.

Councilman Palcovic let the board know that the grant package was submitted to the EDC yesterday.

Old Business: Councilman Sprung noted some great strides were made in health care. He stated at one time the board talked about setting starting salaries for new employees- not affecting anyone that is already here. "We generally just across the board for the most part when we do give 3% raise. It just keeps going. A probationary period was suggested or yearly steps. He felt we needed to look at this. Supervisor Selmsler referred to a discussion in the executive session about the employee manual and to broaden the definitions in there for the description of the position and what the board expects from the employee. Councilman Sullivan suggested that this be a board project for the year.

Councilman Sprung asked the attorney if salary changes needed to be made a reorganizational meeting. He clarified that it would not be a salary change for existing employees but new for new hires. Attorney Palmer -Johnson suggested having a committee to examine this. She suggested having a personnel policy and it was stated that this could be done anytime of the year.

Council Member Scribner would like to look into dental coverage for the employees. She has an estimate from Met Life good through 2009. If there are 13 participants they would put in \$33.25 (indiv.) or \$8.31 per week for a dental plan \$92.00 for a family. An eyeglass plan comes with it. The plan is billed monthly. It was suggested to survey the employees. Councilman Palcovic asked who administered the program.

At 8:10 pm Councilman Sprung made a motion to adjourn. Council Member Scribner seconded the motion. All board members were in favor.

Respectfully Submitted,

Linda M. Gilbert – RMC
Caroga Town Clerk