

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday February 11, 2009 at the municipal building located at 1840 State Highway #10 at 7:00 pm with the following persons in attendance by Roll Call:

Supervisor 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 Stephen Jennings – Golf Pro-Greens keeper-Manager, Mike Heberer – Code Enforcement Officer, Katherine Hillock - Assessor, Connie Konik Deputy Town Clerk, Sandra Pavlus Code Clerk, Rob Miller acting Planning Board Chairman and his wife, and Cindy Marler of the Citizens Committee to rebuild/renovate the municipal building. There were six members of the public in attendance and four students attending for a Participation in Government Class (PIGS).

At 7:00 pm Supervisor Selmsler opened the meeting with the flag salute.

Supervisor Selmsler asked for a moment of silence for Ron Staring who served on the Planning Board and as the BTI Director.

Public: no comments this evening

Old Business was moved up so that Mike Heberer could attend another commitment. He gave a presentation to the board of the Citizens Committee Report. He prefaced his remarks by saying “if it weren’t for Jerry Groom, Cindy Marler, and Ralph Hayner the board probably would not have a written report to look at. The committee kind of fell apart.” At the first meeting the committee did a quick overview of all of the documents the town had on the subject of the municipal building. The committee was told they could go through the documents any time that they were available in his office. Tours were conducted of the building. They could not get into the basement of the building because of the asbestos removal project going on. The board received copies of the report from the committee and another from Doug Smith a committee member.

Their recommendation to the board is to have a cost analysis or feasibility study to save the corridor and the 1955 addition from the west wall forward – cutting off the gym and kitchen and the existing entry way. A new entryway would need to be put in at the end of the hallway. A peaked roof was recommended over both sections and remediating any of the mold issues. Including the basement/crawl space area. The building could be brought up to energy efficiency with new windows, insulate the interior walls. The only two areas displaced are BTI and the records room. Mr. Heberer thought the BTI Dept. could work out of the meeting room. He suggested moving a couple of non-bearing walls to create a records room between the meeting room and the courtroom.

Mr. Heberer reported there are several other issues that were addressed in the report. He noted also in the past week that some accusations were made that there was a conspiracy by Mr. Heberer and the board to try and waylay the committee by some sort of misdirection. Mrs. Marler stated that Mr. Heberer infact did not do anything of the sort. There was a misquote in the press, he said

he did not want to have a vote on the committee so that it did not look like he was trying to steer the committee in any way, nor did he want to run the Town of Caroga. "It isn't for me to decide which direction we go with this building." Councilman Sullivan stated that the board wanted him to be a conduit /liaison of information. He stated the conspiracy theory was from the chairman of the committee who stepped down. Mr. Heberer also apologized to Council Member Scribner for her experience at one of the committee meetings. Another Councilman said he did not attend a meeting after hearing about her experience. The former chairman allowed the meeting turn into a bash the town on all issues meeting rather than get the people to work together.

The board thanked Mr. Heberer, Mrs. Marler, Mr. Groom, and Mr. Hayner. Mr. Heberer and Supervisor Selmsler met with another architect Acumen as reported in the papers. A meeting will be set up with Mr. Franko and his associate next week. Some of his time has already been donated. He has started to work on a feasibility and cost analysis. "Some of the numbers from CT male are not too far off." Mr. Heberer suggested that the board set a do not exceed amount for Mr. Franko's services. This would be like a second opinion based on what the citizens committee has provided. He has reviewed some of the documents/ reports created by CT Male. Before we spend more money he wants the town to know what he has as a preliminary report.

Mrs. Marler was given an opportunity to comment on the report. She stated that the report does go into other areas. She has other information she wants to gather; as soon as she does she will give it to the board. Councilman Sprung had some information for Mrs. Marler that he would give her after the meeting.

The board discussed the current fee schedule for permits in the town with Mr. Heberer. The Supervisor also received a list of fees generated in the clerk's office. He did not know how long ago the fees were reviewed and updated. Mr. Heberer thought at this time the town was in line with other municipalities. The town is in about the middle of the road. Mr. Heberer will look at the fees of surrounding municipalities and if there is nothing really jumping out then he won't bring the issue back to the board. Councilman Sullivan questioned the sign permit fee of \$5.00. Subsequently the sign permit was found to have been updated in 2007 to a \$20.00 fee. The issue was tabled until next month. The supervisor will give the board copies of the documents submitted by the clerk.

Mr. Heberer submitted his monthly written report. For the period from January 14 to February he issued one permit and received three variance applications. He acknowledged the recent changes from the Adirondack Park Agency regarding zoning. Since the lawsuit has been filed he has been receiving emails twice a week, which gives every bit of information flowing through the APA. Mr. Heberer has the final print of the regulations, but he is waiting for the word changes to our ordinance from Rich Terry. He is reviewing our entire zoning ordinance. Code Officer Heberer anticipates updating our ordinance with the shoreline changes and cell tower guidelines at the same time.

Highway – no report

Dog Control – no report

Golf Course – Mr. Jennings reported that he has taken down a number of trees on holes #8, #13, #16 & #17. Hopefully by mid March he would like to have the logs out for bid. He has a note from the Johnstown Seniors who would like to have a health and fitness day Wed. May 27th. There are

25 – 30 people who want to play 4 holes. Mr. Jennings suggested having them pay for 15 after 4:30 tickets at \$10.00 each.

RESOLUTION to set a special golf rate for a one-day event #2009-015

Offered by Council Member Scribner

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its regular monthly meeting on February 11, 2009, and

WHEREAS, the Johnstown Seniors have contacted Mr. Jennings regarding a special health and fitness day they hold annually with the date this year being May 27, 2009, and

WHEREAS, the group of 25 – 30 seniors desires to only play four holes late in the morning on said day, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to set a reduced rate for the limited amount of play on May 27th by this group and does therefore set the fee for this one day event for these seniors from Johnstown to be charged the amount for 15 after 4:30 tickets at \$10.00 each.

Unanimously Carried

Mr. Jennings reported that the roof repair project is going very well. They are almost done. Councilman Sullivan noted that he had received the January 14th report from Mr. Jennings and it was appreciated. The report contained areas in which the golf course could reduce expenses. By removing the trees – pesticide use can be reduced. The debris from the overhanging trees does kill the turf.

Mr. Jennings was notified by Mr. Sandy Sanders that he is probably not coming back to work on the golf course due to his health. It will be impossible to replace him. “Now I am going to be short 3 guys instead of just two. Next month an ad may be placed. He asked the board members if they knew of anyone that had any knowledge of golf – it helps. Mr. Sanders did greens mowing and was full time. Mr. Jennings would need someone by the end of April until the course closes. Because of his health the hours were going to be reduced to 5 – 6 hours a day. Mr. Jennings anticipates the next employee would work 5 – 6 hours starting at 6am. Mr. Sullivan thought he might know of someone.

Council Member Scribner asked if Mr. Jennings had heard back from Mark Kane about the plumbing in the locker rooms. It has been two weeks since he was supposed to hear back from him. Don Stock was going to give an estimate to do some work on the walls in the shower room. Mr. Kane won’t do the carpentry work.

BTI – The Town Clerk reported that Candice Dean did place an ad to hire technicians in the newspaper. Applications and information are available the clerk’s office. Interviews will be conducted on Saturday morning.

Weeds – no report

Youth - no report

Clerk/Registrar – a list of fees collected in my office was given to the supervisor. An inter office memo was also distributed to the board stating my concerns on the status of the mold problem in this building. I will be out of the office from February 18 through March 4 during which time the Deputy Town Clerk will conduct the business of my office.

Assessor's Report - Katherine Hillock provided the board with a report of the top taxpayers in the town, and a report of sales and appraisals from the Office of Real Property Services which will be used to determine our level of assessment. She is continuing to process exemptions until March 2, 2009.

She will be attending an Assessor's meeting on Friday; usually a representative of ORPS comes to the meeting. She will express her concerns and go over some of the data in the report. She needs to review the ratio column of the report to see where the town is based on the report and to see what the equalization rate is this year. There is quite a difference in the assessed value and the 2007 market value she noted. Preliminary figures prior to this report were coming in at the low 50's. The state used some good arms length sales and also did a sampling and did their own appraisal of the sale.

Supervisor Selmser asked about new construction or additions, how would that information affect the total. Mrs. Hillock responded that if there was a sale and there was a significant change in the property...she has had the state take that comparable out. Then another property is substituted in. She is just getting a list of the properties they appraised. She will let the board know when she has more information on this.

Supervisor's Report

Supervisor Selmser gave the board an update of the property damage caused by the steam circulating pump failure - the actions and communications. A representative from quick response was onsite this morning. He is going to be the person doing the estimate/calculations of the cost of the cleanup. They will come up with a cost analysis to be presented to the insurance company hopefully sometime this week. Councilman Sullivan asked if there was any asbestos in the tile on the stage. The tiles do not have asbestos in them per a report by CT Male.

Mr. Stumpf interjected that "that tank is not vented to the outside of the building, it is vented into the building which it not supposed to be. You're getting mold from that. I gave someone a document that proves that fact." Councilman Sullivan responded – "we know that, actually Mike and..we discussed that prior to... what would happen is it would condense before it got to where it needed to go." Mr. Stumpf stated that an insulated box could be built outside the building. All these years it has been discharging in the building and this is creating the problem. Mr. Stumpf has observed that the far vent on the gym roof has icicles on it on a cold day. This is has been going on since 1972. There is heat coming out of this building. "You are heating the outside world." Councilman Palcovic stated that is why we are working on our project to renovate and or rebuild. "We know there are problems."

DEC Sand and Salt Storage - Order of consent – Supervisor Selmser gave the board copies of a letter he received on Monday with civil penalties regarding the present storage of sand. Our attorney has contacted DEC. A prior consent order was signed by Mr. Barker. They want the town to comply with the prior consent order. There will be more discussion regarding the proper method to store sand/salt. Supervisor Selmser has spoken to other supervisors who try to have most of the mixing done in a building so it doesn't lead to any contamination. Councilman Palcovic stated the problem was the sedimentary runoff again as it was last time. DEC does not like the location of the new sand pile. The Board stated they have to comply with this in some form. Supervisor Selmser told DEC that the pile behind the barn would be used up by the end of February. There is also a pile on Lane Road. Before the pile is moved again DEC will be consulted. There is a February 19th date

on the consent order. DEC still would like to see the sand moved into a building, or an approve location. The town must fully comply by July 31, 2009. Supervisor Selmsler stated the town has to come up with a solution. The Supervisor then asked the board for approval to return the consent order and ask for an extension of the terms until the July date.

RESOLUTION authorizing the Supervisor to sign a DEC consent order regarding the Sand Pile #2009-016

Offered by Councilman Sprung

Seconded by Councilman Palcovic

WHEREAS, the Caroga Town Board held its regular monthly meeting on February 11, 2009, and

WHEREAS, a letter was received from NYS Dept. of Environmental Conservation dated January 30, 2009, regarding case No. R5-20051130-537 as it pertains to the matter of alleged violations of Article 17 of the NYS Environmental Conservation Law, and

WHEREAS, this second amended order on consent is a five-page document which hereby orders that the respondent is assessed a civil penalty in the amount of three thousand five hundred dollars and shall pay to the commissioner the sum of five hundred dollars within thirty days of receipt of a fully signed copy of this order. The additional sum of three thousand dollars shall remain suspended so long as respondent complies with the terms and conditions of this second amended order, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to have Supervisor James K Selmsler sign said consent order.

Unanimously carried

Supervisor Selmsler asked the budget director Lita Hillier to give a recommendation of money that was not needed immediately that could be invested. Thus \$250,000.00 was transferred from the highway department and \$100,000.00 from the general fund was invested in CD's with Bank of America. A 9-month CD was available and during that term withdrawals could be made without penalties. It is a 2% interest rate. Another \$50,000.00 transfer was done at a rate of 2.25 % also. Any withdrawal can be done in total or in part.

A letter was drawn up by the Supervisor dated 1-29 to various federal officials asking for any possible help from the stimulus package. He will follow up with another letter in a month if he does not hear anything back from them. He will work to keep the lines of communication open. Councilman Sprung has heard that when the money is released it will be for projects that are shovel ready to go out to bid between 90 and 180 days. Supervisor Selmsler has heard that money is coming directly to the state but it all pretty much for water and wastewater projects.

Supervisor Selmsler and Council Member Scribner met on Feb 3rd with Brian Towers and Carol Hart of the Adirondack Assoc. of Towns & Villages. They are going to share with the town cell tower contacts and some employee/personnel handbooks. Mr. Towers recommended that the large tax payers should be notified of the governors proposal to cap state property tax payments on Forest Preserve land so they can contact their state representatives as this could greatly effect them. This is in opposition to Section 544 of the Real Property Tax law. The county will have a committee

meeting on this next week in which Supervisor Selmser hopes to participate. At the very least he will supply data showing the effects this would have on the town.

Committee Reports

Buildings and Grounds – Councilman Sullivan and Councilman Palcovic - nothing further tonight.

Park Creation - Council Member Scribner and Councilman Sprung – extension in process.

Golf Course –Council Member Scribner – Mr. Jennings signed his contract.

Cell Service –Council Member Scribner - is following up on the letters she sent out to T-mobile, Next Tell, AT&T, RCC Atlantic and Verison. She spoke to Barbara Fisher Clifford who is in charge of leasing, zoning, and construction of the towers for Verison. She will send a packet of information out. The town will be working with Sarah Mayberry who covers the Adirondack region. She will compile a list of willing landlords to lease from. Using flagpoles was discussed but they have been found to be not as effective as other types of structures.

Sand & Salt – Supervisor Selmser, and Councilman Sprung

RESOLUTION to Contract with Stephen Jennings for his services as the Nick Stoner Municipal Golf Course Greenskeeper, Course Manager, and Golf Pro #2009-017

Offered by Councilman Palcovic

Seconded by Council Member Scribner

WHEREAS, the Caroga Town Board held its regular monthly meeting on February 11, 2009, and

WHEREAS, the Board did discuss their desire to renew the contract with Stephen Jennings, Now therefore be it

RESOLVED, that the Town Board of the Town of Caroga desires to enter into an agreement with Stephen Jennings to act as the Golf Pro, Greenskeeper, Course Manager of the Nick Stoner Municipal Golf Course for the year 2009 as follows:

This Agreement made the 16th day of January 2009 by and between the Town and Stephen Jennings:

WHEREAS, The Town of Caroga, a duly incorporated municipality existing in the County of Fulton, New York State owns and operates a golf course, including a pro shop, a summer residential apartment and attendant rooms and buildings, and

WHEREAS, the Town Board of the Town of Caroga (hereinafter the Town) desires to have its municipal golf course professionally managed, its greens and fairways capably maintained and the services of a qualified golf professional available to its customers, and

WHEREAS, Stephen Jennings (hereafter Mr. Jennings) possesses the prerequisite qualifications to perform all the above services, and

WHEREAS, Mr. Jennings desires to enter into an agreement with the Town to act as the Manager of the municipal golf course, its Greenskeeper and Golf Pro, for hire, and

WHEREAS, Mr. Jennings wishes to use the summer residence and space in the attendant real estate to place vending machines, retail golf –related merchandise, and store and rent golf carts,

THEREFORE

That, in return for the use of these premises and other good and valuable considerations and compensations, the receipt of which is hereby mutually acknowledged by the parties, who agrees as follows:

1. That the Town agrees to pay Stephen Jennings for his services as Course manager, Greenskeeper, and Golf Pro the sum of Thirty Six Thousand Two Hundred and Eight Dollars (\$36,208.00) to be paid semi-monthly from January 1, 2009 through December 31, 2009 in twenty-four installments.
2. Stephen Jennings agrees to his employment in this capacity for this amount, paid under these terms, and the other considerations extended to him.
3. Stephen Jennings agrees to keep all necessary licenses and certifications updated and that he will notify the Town Board of any additional instruction or training, the need of which might arise, whether required for his position or as voluntary enhancement to it.
4. The Town agrees to pay Stephen Jennings New York State retirement contribution and family health insurance coverage, the carrier of which is at the town's discretion.
5. The Town will allow Stephen Jennings the use of the residential apartment above the pro shop during the tenure of this agreement.
6. The town agrees to allocate to Stephen Jennings the space in and around the clubhouse for vending machines, the storage and maintenance of golf carts and the display of retail golf-related items.
7. Mr. Jennings agrees to provide the Town Supervisor with a copy of his comprehensive Liability Insurance policy, naming the Town as additional insured.
8. Mr. Jennings agrees to provide the Town Board with a list of proposed new hires each year, to become Town employees, when applicable.
9. Mr. Jennings agrees to execute his duties as course manager, Greenskeeper, and resident golf pro in a capable and professional manner, those duties shall include, but are not limited to:
 - a. The sale of memberships and tickets (supplied by the Town), a report of memberships will be summarized at the end of each month and copies given to Supervisor and Golf Course committee members.
 - b. To record said memberships and any tournaments, that record to be broken down into the number of members and non-members playing.
 - c. To record all locker rentals
 - d. To make available a starter, when required
 - e. To give a minimum of two seminars for students at the Wheelerville School each spring. The Supervisor is to be notified of the date and time of the golf seminars.

f. To submit a weekly sales reconciliation form to the supervisor, the form to be supplied by the Town of Caroga. The weekly sale reconciliation form shall also have the Year to Date sale information and prior year comparison.

g. To provide and maintain a non-member log of players. A register of cash tickets and sales (log book) will be maintained daily and reviewed with the Golf Course committee monthly.

10. The Town agrees to provide maintenance and custodial services to the course.

11. The town assumes no liability nor responsibility for the condition of or potential damage to the golf carts.

12. Any and all existing or future concessions are the responsibility of Mr. Jennings with the prior approval of the Town Board.

Old Business:

Supervisor Selmsler asked the clerk about the town's Procurement Policy, which he read, should be reviewed at the beginning of each year. The attorney reviewed it and made recommendations. The changes were given to the town board members. It was noted that the prior attorney reviewed this policy but a resolution was not forthcoming. This matter was tabled until the board had an opportunity to review the document.

Junk Law – will be reviewed with the Town Attorney next month at the meeting. She has a number of recommendations. Supervisor Selmsler will ask the attorney for the changes a week prior to the meeting. Councilman Sprung was concerned the law was being changed, “the only opinion is we can't get the final decision to get rid of the junk.”

Unanimously carried

New Business:

Chips Status Supervisor Selmsler spoke to Mr. Insongia about the program. There was \$50,000.00 in the budget and actually there is over \$60,000.00 on the county report. The Supervisor encouraged him to go forward with it as soon as possible. Next year Chips money is going to decrease by about 43%. We didn't do anything with it last year. Councilman Palcovic noted part of the problem is there is a ten-year cycle, you can't go back and redo the road you have done within ten years. He stated that a lot of our roads fall within the ten-year cycle. Councilman Sullivan stated the reasoning behind this is past shoddy paving practices that went on. Councilman Palcovic hopes the lakeshore road will be resurfaced. Councilman Sullivan stated that bumps in the road slow down traffic.

APA Local Government Day March 24 & 25 - Rob Miller of the Planning board has asked to attend. Council Member Scribner is interested in attending, as is Zoning Board Member Frank Malagisi.

RESOLUTION for various official to attend training #2009-018

Offered by Councilman Palcovic

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its regular monthly meeting on February 11, 2009, and

WHEREAS, the Board did discuss the upcoming training being offered by the APA Local Government Day Conference in Lake Placid NY on March 24 & 25 2009 and

WHEREAS, Rob Miller of the Planning board, Council Member Scribner, and Zoning Board Member Frank Malagisi have expressed an interest in attending the training, now therefore be it

RESOLVED, that the normal and customary expenses for travel on town business be covered for the individuals named above.

Unanimously carried

The clerk noted the registration needed to be in by March 6th. Mr. Miller has already sent his in, and Council Member Scribner will send hers in. Mr. Malagisi will be called about his registration.

Councilman Palcovic informed the board that the Caroga Volunteer Fire Dept. is again applying for a Federal FEMA Grant for 911 addressing for the entire town. The program includes educating and posting addresses. The dept. heads and the town supervisor approved having the Assessor's office and the Code office, gathering data for the grant. The grant is very competitive. "The town is joined on as a partnership with the fire department, as we should, in a municipal work sharing to provide some assistance with the developing of this grant." They will do a survey within a two square mile radius of the firehouse of the number of homes with or without 911 house numbers posted. Council Member Scribner noted a local Law was passed last year to support this grant. Councilman Palcovic also noted there is a five hundred million dollar line item in the President's budget for new firehouses. Last year the Fire Dept. received \$26,000.00 in grants.

Council Member Scribner announced those with interest in the community garden should contact Jenny McCarthy at 835-2297.

Supervisor Selmsler told the board that the Fulton Co. Board of Supervisors wrote a letter opposing Section 544 of Real Property Tax Law. He asked the board if they wanted to make a statement via a resolution.

RESOLUTION to oppose Section 544 of the Real Property Tax Law #2009-019

Offered by Council Member Scribner

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its regular monthly meeting on February 11, 2009, and

WHEREAS, the Fulton County Board of Supervisors sent a letter in opposition of Section 544 of the New York State Real Property Tax Law – a proposal to cap state property tax payments on Forest Preserve land, and

WHEREAS, the Caroga Town Board also opposes Section 544 of the Real Property Tax law, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to send letters to our local state representatives and Governor Paterson.

Unanimously carried

Communications:

- 1) Renewal of Liquor License – Nick Stoner Inn
- 2) Resignation letter from Linda Pomeroy alternate member of the Planning Board
- 3) Email dated Feb. 3 from Ron McLain
- 4) Renewal of Liquor License – Pinnacle Restaurant
- 5) Empire State Development –
- 6) NYS Committee on Aging

#5) Supervisor Selmser will follow up on this by going to the website which may be a possible funding source. #2) The board asked why she was resigning. It was noted that she would be spending more time in Florida. There are now two spots to be filled on the Planning Board. #4) & #1) the board asked if the owners were asking for a waiver of the 30-day waiting period. The clerk noted that there is now a fine if applications are not in 30 days prior to the renewal date. There was no need for waivers this evening. #6) Supervisor Selmser will pass this letter to Shirley Holliday of the Nick Stoner Seniors. There may be funds available to construct or repair their facilities.

Resolutions:

RESOLUTION to accept Town Clerk’s Books & Budget Directors Final Report #2009-020

Offered by Councilman Sprung

Seconded by Council Member Scribner

WHEREAS, the Caroga Town Board held its regular monthly meeting on February 11, 2009 and

WHEREAS, Linda M. Gilbert – Town Clerk did present her books, (check book, reports, daily receipt books from January 1st to December 31, 2008 to the Town Board for review at the January Town Board meeting, and

WHEREAS, Lita Hillier – Bookkeeper and Budget Director did submit her final report of the Treasurer on 2/2/09 to the clerk and this evening to the Board members, and

WHEREAS, several members of the Board did review the documents, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to accept the Town Clerks books as presented for audit and the final financial report for the year 2008 as presented.

Unanimously carried

Councilman Sprung made a motion to pay the bills as presented for audit and to accept the minutes of the January meeting. Councilman Sullivan seconded the motion. Unanimously carried.

At 8:10 pm Councilman Sprung made a motion to adjourn. Supervisor Selmser and Council Member Scribner seconded the motion simultaneously. Unanimously carried.

Respectfully Submitted,

Linda M. Gilbert – RMC
Town Clerk

