

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday March 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-Greenskeeper-Manager, James Subik Town Justice, his clerk Tammie Subik, Mike Heberer – Code Enforcement Officer, Joseph Insogna – Highway Superintendent, Kathi Hillock – Assessor, Robert Miller –acting Planning Board Chairman, and Sandra Pavlus – Code Clerk. There were nine members from the public in attendance.

Supervisor Selmsler opened the meeting at 7:00 p.m. by asking for a roll call for attendance. The flag salute followed.

Public:

Dawn Klingbeil had a concern about the horse the next-door neighbor has. It is her understanding that a horse is not allowed in the APA. The Code Enforcement Officer was notified on January 5th. She is concerned about the manure pile polluting their well. The pile is located on the property line. She asks that the pile and the horse be removed.

Mr. Heberer responded that he has spoken to Mr. Spraker who came in and got an application to the Zoning Board of Appeals. They have four weeks to return the application. He is in the hospital and will get the application back to us. They want to keep the horse. Mr. Heberer will have a conversation about the runoff of the manure pile and have them move it. Mr. Heberer said when they picked up the application he promised he would get the manure pile out of there. Councilman Sprung and Councilman Sullivan were in favor of “fine them first and do it later.” Councilman Sprung thought the violation should be remedied first and then apply for a variance. Supervisor Selmsler noted this is a residence and they should have known what the zoning laws were. The person living there is a renter Mr. Heberer stated.

Town Justice -James Subik presented his books for audit to the town board per the state statute. He presented a copy of the summery of each months fines levied and surcharges. The old dockets are no longer used everything is on computer. He informed everyone that court is an open forum. The public can come to see how cases are adjudicated on the town local criminal court level. “Our books are always open, - As long as it is not a youthful offender.” There was a sheet for the board members to sign. Everything said at court is recorded on a CD whenever the court is in session.

Justice Subik and his clerk took the train to NYC for the Assoc. of Towns Annual Conference. Thelma Subik attended the advanced clerk courses and he attended part one and part two of the justice-training course for the 2009 calendar year. The certificate is on file with the Town Clerk. The training in NY has the best presenters he thinks. There is a chance to interact with people throughout the state at this conference. At the annual meeting all of the resolutions were passed except #8 it pertained to gross receipts tax for towns.

Councilman Palcovic reaffirmed with Justice Subik that the town would be able to put to use anyone who needs to do community service. Justice Subik explained community service is an alternative to a monetary fine – in hardship cases.

Department Reports:

Highway – Mr. Insogna is waiting for summer to come. The roads have been posted with a 3-ton limit until further notice. The guys are filling potholes and fixing frozen culverts. He got the steam genny running after 6 years. The sand pile is being moved from behind the barn. The salt is inside. He stated there was no leaching to the creek. Mr. Insogna talked to the board about the amount of salt the state uses on the road. He did not think the sand located on Lane Rd would produce a hazard.

Mr. Fenzl responded that he thinks there may be a slope failure in that area as there was a dump on that location many years ago. It was noted that the state also wants the sand moved from Lane Road. Supervisor Selmser has contacted Mr. Streeter from the state. The state would not meet with the town without the presence of an attorney. Supervisor Selmser has surveyed sand/salt storage piles in other municipalities. He hopes for a future meeting with them. Councilman Sprung asked what the status was on the proposed salt/sand storage facility. It has been back burnered but this moves it forward. It was noted that the Town of Caroga had an agreement to fix the problem and didn't. That is part of the problem. Councilman Palcovic noted that there was a mining pit on the right on Lane Road. It is overgrown. He indicated that Lane Rd. could be closed off if need be. The board discussed the usage of salt on the state roads. Mr. Insogna uses liquid salt mixed with sand on the hard roads.

Supervisor Selmser wants to meet with Mr. Insogna next week to document procedures – what they are doing. He also wants the figures on how much salt the state is using. Supervisor Selmser asked what happened with Shepard Oil and the problem with the highway trucks because of the ethanol additive.

Council Member Scribner noted that the state is trying to encourage consolidation. If Caroga could join with two other towns that also needed a salt barn a grant would cover the whole thing. Mr. Insogna responded that we still have to have a place to mix it. He thought the town should pick up another piece of land. Supervisor Selmser noted the Town of Bleecker trucks have to come right through the Town of Caroga to service some of their roads. Perhaps a joint service situation sometime in the future would make sense. Supervisor Selmser asked about future purchasing of salt as he has found another supplier at a cheaper price. Mr. Insogna will give the board specifications on a couple of different vehicles to show the board the price. There was a situation a few weeks ago when a big town truck became stuck on the road. Mr. Insogna plans to talk to the summer people because some of the trees need to come down. He referenced North Shore Rd. West Caroga. If he had a smaller plow truck he could get in there easier. Mr. Insogna called Callanan industries he will come up to give him a price on the lakefront to mill it out and then recycle it. The culvers also need replacing in that area. He noted there is a problem on Kasson Drive that is the homeowners responsibly.

Code Enforcement & Sanitation – Mr. Heberer stated that he has four applications on the agenda for the Zoning Board and one pending. He will call Mr. Spraker tomorrow. He will also check with the attorney about having people remove violations before they go to the ZBA. It has never been done that way since he has been here. Council Member Scribner asked him to follow up on the zoning for the telecommunications town. She would like to have a public hearing on the matter. Mr. Heberer is waiting to hear from Rich Terry from the APA to give us the wording for the new APA shoreline regulations. He wants to have a public hearing for both at the same time.

Dog Control – Mr. Dutcher left a message that he received 9 calls for the month and he took one dog to the humane society.

There were no reports for the Weeds, BTI, or Youth programs.

Clerk/Registrar – The monthly cash report is on the table. The Annual Town Clerk’s Conference is the end of April.

RESOLUTION for Town Clerk to attend Conference

#2009-021

Offered by Councilman Sprung

Seconded by Councilman Sullivan

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

WHEREAS, Linda Gilbert – Town Clerk informed the board of the upcoming annual training sponsored by the New York State Town Clerk’s Association, which is being held in Rochester NY this year on April 26 – 29th, and

WHEREAS, Mrs. Gilbert is on the executive board and last year the association paid for her lodging and meals, now therefore be it

RESOLVED, that the Caroga Town Board does here move to approve attendance at the conference and the costs associated with attending to come from A1410.4.

Unanimously Carried

Golf Course – Mr. Jennings reported in the last two weeks every machine in the shop has been serviced. The reels are being ground everything is ready to go. All the machines are in pretty good shape. By the next board meeting Mr. Jennings should have an amount on the trees that he has taken down so the wood can go out to bid. Brandon Hemrick is the only one back to work right now. It is unclear if Sandy Sanders will return to work. If he is up to it he will be back probably part time.

Assessor’s Report – Kathi Hillock reported that she has an assessors meeting this Friday and a representative of ORPS will be there. She anticipates a conversation on the equalization rate calculations. She has processed eight cold war veterans’ exemptions. The deadline was March 2nd there are still a couple that are incomplete. Mrs. Hillock is still working on the new construction/building permits. She has until April 15th to complete the roll. She checked some properties while out doing the survey for the 911 numbers for the fire department grant. A resignation letter from LoriAnn Lewis was given to Supervisor Selmsler.

Councilman Palcovic asked if Mrs. Hillock was going to challenge some of the State Real Property findings. She did send a memo to them asking for some leniency. “They had an appraiser come out from a different unit (utility valuation) he really wasn’t doing the residential...” “He came out really on the low side for the values, for the town.” The residential assessment ratio is 42.54. That is only the residential properties. Sometimes the commercial properties can pull this number up. Mrs. Hillock noted that the Departments of Taxation and Office of Real Property are being merged together. She would like them to use sales from the last three years to raise the rate. She explained that the tools set up in the computer were done by someone else and are not working as she wants them to. The data was not put in uniformly so trying to pull up comparables is not easy. While pictures were updated, the inventories sometimes were not. She needs to set the level of assessment in the town.

Councilman Sprung asked if the Assessor was going to be replacing her clerk. She told the Supervisor previously that she would not need to fill the position right now. She may need help around grievance time. Right now she is trying to finish the assessment roll and there is really no one else who can do that work. The code office has been very helpful.

Supervisor's Report

- 1) Board members received a copy of the letter sent to 12 major property owners in Caroga re: a future freeze on taxes on State land. There was also an article in the newspaper about this issue. Based on a recent meeting held by the governor everything appears to be on hold right now. He is revisiting the issue on the payment of taxes on state land hopefully they will continue to pay as they have in prior years.
- 2) The Planning Board recommended that Karen Wheeler fill the term of Ronald Staring. Greta Frasier and Scott Horton were recommended to be alternates.

RESOLUTION to appoint members to the Planning Board

#2009-022

Offered by Councilman Palcovic

Seconded by Councilman Sprung

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

WHEREAS, due to the recent passing of Ronald Staring of Pine Lake, a vacancy has been created on the Planning Board in the Town of Caroga, and

WHEREAS, the Planning Board did announce in the Leader Herald newspaper vacancies on the Caroga Planning Board and interviews were conducted by the Planning Board and a recommendation made to the Town board, now therefore be it

RESOLVED, that Karen Wheeler of 408 Kasson Drive Caroga Lake NY is hereby appointed to fill the term of Ronald Staring, which shall run until December 31, 2012, and alternate members to the Planning Board shall be Greta Frasier of 2533 State Highway 10 Johnstown NY (located within the town) and Scott Horton of 264 S. Shore Rd W Caroga Lake NY whose term shall run until December 31, 2009.

Unanimously carried

Previously the town has worked with Lamont Engineers. Supervisor Selmsler called them a few weeks ago to ask about stimulus money and what the town could do to advance forward with wastewater and water treatment facilities. Shovel ready projects are being advanced. He wanted to discuss where the town was in this process. Lamont is going to come back with a proposal. One of the requirements would be to have an updated engineering study. Councilman Sprung suggested having a work session. One thing that needs to be completed is the income survey. All the paperwork needs to be completed by August. Supervisor Selmsler suggested waiting until he has a proposal to have a meeting. Councilman Palcovic and Council Member Scribner did not believe the board had the capacity to take on another project. Councilman Sullivan stated that it depends on how much the project is going to involve dollar wise. He did not want the board to say they could not do two projects at once. Councilman Palcovic did not believe the board had the capacity right now. They have the building issue, and the sand & salt pile issue to deal with. The sanitation and wastewater project may be 3 – 4 years down the road. It was noted that the survey did not get finished. Supervisor Selmsler stated that there is a non-profit organization that will do the mailing. There would not be any identification on the survey. Councilman Palcovic said the previous survey was bar coded. Public cooperation is needed to set the rate, financing packages, bond issues, and the annual maintenance fee. Councilman Sprung noted the only people who showed up for the information on the project were people who were against it. There were not many for it. Thus the board felt the people did not want it. Supervisor Selmsler noted that certain districts would be established and only those in the district would incur the cost. The board noted that districts had already been planned out. Councilman

Sullivan just wanted to know the next step. To that Councilman Palcovic stated he was not opposed.

3) Draft proposal from Acumen Architect - feasibility study was received as a result of the citizen's committee report to look at the cost to update the new part of the building. A local property owner agreed to meet with Supervisor Selmsler on his own time to analyze the situation and to "put some costs together, what it would... recommendations, if we wanted to proceed." Mr. Heberer noted that he donated a lot of his time and that is why the estimate "is about half of what we were looking at from CT Male to do the same work." Council Member Scribner asked if the board should meet with the committee to see what path the board is going to go. Councilman Palcovic stated that basically we are getting a second opinion. Mr. Heberer noted that the scope of the project has changed because of the recommendation from the citizens committee from what CT Male originally bid. There would be a substantial difference. Supervisor Selmsler stated the cost could be reduced as the project changes. He thought it could be discussed in a work session. The board has not budgeted the \$11,000.00 for the additional work.

(4) Re: APA regulations – lawsuit on "2008 Rules" Right now the Attorney General is looking over the lawsuit that the town has joined to see if the towns have the right to sue the state.

(5) Report on Dept of Labor Inspection on a potential health risk. PESH, Public Employee Safety and Health Bureau inspected the building on Feb. 19th. The specialist took air quality readings. There were no critical issues found, everything found at the time was stated to be acceptable. Councilman Sullivan and Councilman Palcovic stated that at the time of testing the HEPA filters were running. Councilman Sullivan wondered what would happen when the HEPA filters go away. The filters from Quick Response were removed today. The cleanup efforts started yesterday. They have filters running. The cleanup is expected to be done by the end of this week.

Committee Reports

Buildings and Grounds – Supervisor Selmsler noted that the heat was back on. This is the third time it has gone off this season. Each time it is a different problem. The appearance at the golf shop building and pro shop needs some work outside to protect the building so it doesn't deteriorate. He would like some ideas for the next meeting. Councilman Sullivan asked if the one building was going to be removed. Mr. Insogna said he could take it down.

Park Creation - Council Member Scribner ordered barrier netting today from BF Products in Pennsylvania. It is 25 ft by 150ft. Balls can't get through to the park. Ni Mo will set 4 poles in the spring.

Golf Course –Council Member Scribner – report on bathroom renovations. Local contractors were asked to address some repair and upgrade needs of the locker and restroom areas. Council Member Scribner noted that Mr. Hayner proposed to do the plumbing and carpentry together. But some items (toilet & urinals) were left off the estimate. "It is not fair to make a decision tonight because one contractor did not have all the details. Councilman Sprung asked for the specifications for the project. Council Member Scribner stated that there weren't any. "Steve has been taking them through and showing them."

Mr. Hayner will draw up another estimate to include two urinals and a sink in the men's room and in the ladies room for one sink and one shower. Councilman Sullivan was confused about the estimates already received. One estimate is from Mark Kane to do the plumbing, and one from Stock & Cool to do the carpentry. The other estimate on carpentry was from Mr. Hayner.

Mr. Hayner wants to bid on the whole project. Quotes were asked for because they thought the amount would be under a certain amount. Councilman Palcovic asked if the project was budgeted for. Supervisor Selmser clarified that there was money in this year's budget on a separate line item for the renovations. Mr. Hayner stated that the extra plumbing cost does not affect his carpentry bid. By Saturday he will submit a plumbing bid. Council Member Scribner asked if his bid included flooring. Mr. Hayner responded that it did. One quote stated new one piece flooring with a rubber base. Mr. Hayner stated that is just vinyl.

RESOLUTION to award contract for work on Golf Course Club House #2009-023

Offered by Councilman Palcovic

Seconded by Councilman Sullivan

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

WHEREAS, the town contacted local contractors for estimates to update the locker/bathrooms in the Nick Stoner Municipal Golf Course club house, and

WHEREAS, three contractors responded to do various portions of the project, now therefore be it

RESOLVED, that Ralph Hayner is hereby awarded the construction contract for the carpentry portion of the project at a price of \$4,800.00.

Unanimously carried

The board asked the supervisor to award the rest of the project, as it will be under \$5,000.00. He will keep everyone informed.

Cell Service – Council Member Scribner read a letter from Verizon. This is the only company she has heard back from. The letter is from Sarah Mayberry Stevens. They appreciate the support offered for a potential communications facility in the Town of Caroga. She noted that developing a comprehensive communications network within the APA is a long and difficult process. Verizon continues to move forward with a long-standing project to develop sites within the park since 1980. Verizon is interested in discussing potential development of a site in the Town of Caroga. Additional location information on town owned and privately owned parcels was requested. Garth Hillier is doing a feasibility study. She recommended sending the requested information to Verizon. Council Member Scribner will be attending the Adirondack Government Days where there will be representatives from the cell phone companies. Councilman Palcovic suggested using the geo info. maps to look for the high spots, Pinnacle, and Blaise – Royal Mountain were named.

Old Business:

Website Contract – the contract is up. Council Member Scribner did send some updates to her. The clerk will send a 2009 Town Directory to the Webmaster. There is no increase in the contract which she states will run for two years @ \$250.00 per year. In the future our site may be linked to the county site. The board was in favor of renewing the contract.

RESOLUTION to renew Website Contract #2009-024

Offered by Council Member Scribner

Seconded by Councilman Palcovic

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

WHEREAS, the board examined and discussed a quote from Jennifer Knapp the current Webmaster to renew the contract for the next two years, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to contract with Jennifer Knapp to be the webmaster for the site identified as carogalakeny.com for two years until March of 2011 at a price of \$250.00 per year.

Unanimously carried

New Business:

As noted in the Assessor's report the clerk LoriAnn Lewis resigned. All of her keys were turned in but not a lot of notice was given.

Correspondence:

- 1) Pine Lake Park Ltd – certified mail with notice of intent to renew seasonal liquor license
- 2) Larry Eckler – Pinnacle Restaurant - certified mail - renewal application to ABC
- 3) Fulton County Resolution #88 –establishing annual chargeback to municipalities for the NYS RPS V4 Program. Kathy Hillock commented that back in 2004 when the supervisors voted to change to this computer program they were going to pay for it. Now that everyone has the program the county wants the towns to pay for it.
- 4) Supervisor Selmsler noted the doubled costs for the upcoming primary and general elections.
- 5) Letter dated 2-16 from John Fenzl re: sand pile on Lane Rd.
- 6) David Carr Superintendent of the Wheelerville School has invited the town board to a joint meeting on March 16 @ 6:30 pm. This is an open forum, with no set agenda. Council Member Scribner asked the board if they wanted to have a work session before this meeting. School Board president has asked her for ideas on how to increase enrollment. Councilman Sullivan thought the invitation should be extended to the Planning Board. Supervisor Selmsler wanted to wait to have a meeting until information came back from Lamont Engineering.
- 7) Joyce Barrett (on agenda not mentioned during the meeting)
- 8) Nick Stoner Trailers – letter of appreciation - board members were invited to their annual picnic.
- 9) APA - re -J2009-0103 BTI Application

Council Member Scribner asked if the board was going to do anything with the Procurement Policy. Supervisor Selmsler said this item would be held until the next work session. She noted that the feasibility study would be discussed at the next meeting.

Resolutions:

The St. Mary's Hospital EAP contract is the same price as last year \$15.00 for each full time employee. There are 12 fulltime employees. The cost is \$180.00 - half of the payment is due and payable contemporaneously with the Company's entry into this agreement and the remaining balance will be due and payable on July 1, 2009. It was asked what would happen if a part-time employee were to require this service. The answer was not known.

RESOLUTION to renew contract with E.A.P.

#2009-025

Offered by Councilman Palcovic

Seconded by Council Member Scribner

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

WHEREAS, the clerk did receive two signed copies outlining the terms of the contract with the Employee Assistance Program "A service of St. Mary's Hospital, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to enter into contract with Employee Assistance Program 427 Guy Park Ave. Amsterdam NY 12010, (518) 842-1900. The town agrees to pay the hospital \$15.00 per full-time employee per year for the E.A.P. The total contract for 12 full-time employees shall equal \$180.00 and whereby this contract shall be effective for twelve months, commencing January 1, 2009 to December 31, 2009, the full contract on file in the Clerk's office.

Unanimously adopted

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

Councilman Sprung made a motion to adjourn at 8:24 pm Councilman Palcovic seconded the motion.

At 8:25 pm Councilman Palcovic made a motion to reconvene the meeting, Councilman Sprung seconded the motion.

RESOLUTION to accept the Town Justice's Books as presented for Audit #2009-026

Offered by Councilman Palcovic

Seconded by Council Member Scribner

WHEREAS, the Caroga Town Board held a regular monthly meeting on Wednesday March 11, 2009, and

WHEREAS, Justice James Subik did present his books to the Caroga Town Board for audit, and

WHEREAS, the Caroga Town Board did review and audit the cash disbursement journal, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to accept the Town Justices books for 2008 as presented for audit and do hereby signoff on said books.

Unanimously carried

Councilman Sullivan made a motion to Adjourn. Councilman Sprung seconded the motion at 8:26 pm

Respectfully Submitted,

Linda M. Gilbert – RMC
Caroga Town Clerk