

State of New York  
County of Fulton  
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday June 10, 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 - Absent  
Council Member Valerie Scribner - Here  
Councilman Robert Sullivan - Here

Other town officials in attendance were Stephen Jennings – Golf Pro-Greenskeeper-Manager, Katherine Hillock Assessor, Jack DeWeese – Weed Harvesting Coordinator, Desiree Hindes – Youth Director, and Town Attorney Susan Palmer Johnson. There were 22 members of the public in attendance.

At 7:00 p.m. Supervisor Selmsler called the meeting to order. The salute to the flag was held.

The public hearing on proposed Local Law # 2 –2009 The “Town of Caroga Minimum Conditions for Maintenance of Structures, Equipment, and Exterior Property” was opened at 7:01 pm. Attorney Susan Palmer Johnson explained that the Planning Board and Code Officer had worked on the terms and glossary. It is basically the same law except the fines were increased and tightened.

John Fenzl stated he was in favor of the changes in Local Law #2-2009.

**Public:**

Dona Goldman asked about the Herms Boathouse property. Supervisor Selmsler stated that the town had recently received three correspondences on the case as listed on the agenda. The decision from the Appellate Division, the Memorandum and Order, and the Affidavit in opposition to defendant – Appellant’s motion.

Steve Putman informed the board that he won’t be able to tear down the former Highway Superintendents Office building for the town.

Ralph Hayner – commented on the dust and dirt conditions on Mussey Road. It gets as much traffic as Everson Road he stated. The board suggested having the Highway Dept. put calcium chloride down.

Shirley Holiday commented on the small piles of sand outside the municipal building. Supervisor Selmsler said shoveling them up is on the to do list.

Ann Nostrand commented on the condition of the shoulders of State Highway 10, which she uses for bike riding. NYS DOT needs to be contacted about the condition of the road.

Dona Goldman asked the board if they wanted her to conduct the annual waterfowl education class at the Wheelerville School this year. The Board was in favor of her doing so.

Bid Opening for Logs – no bids were received. The board discussed having a lottery. The person would take all of the logs. A notice will be placed in the Leader Herald newspaper.

**Department Reports:**

*Highway* – No Report

*Code Enforcement & Sanitation* – Mr. Heberer submitted a written report. During the period between May 18<sup>th</sup> and June 9, 2009 - 26 building permits were issued; one sanitation permit, and two applications for zoning were received. There were 16 complaints listed from 4-30-09 to 6-3-09; to date 6 issues have been resolved. Seven tickets were issued for violations. The court appearance date is June 15, 2009.

*Dog Control* – No Report

*Golf Course* – Mr. Jennings reported the revenues to date at the Nick Stoner Municipal Golf Course were \$101,000.00. There are 187 paid members to date. That number is 13 more than this time last year. The coupon for the reduced rate to golf on Monday's in June was deemed successful. Sixty-one people took advantage of the coupon so far. It was in the paper four times. Mr. Jennings reported that 90% of the people were not familiar to him and hopefully they will come up and golf here again. The board asked if this should be an ongoing promotion on Mondays. Mr. Jennings would like to see how the summer goes and maybe do it again in September when play slows down. He noted that July and August are usually busy. The promotion was to play 18 holes with a cart for \$20.00.

There is a small shed near #8 on the golf course and the floor has caved in. Mr. Jennings asked for permission to remove the shed.

**RESOLUTION to tear down shed**

**#2009-038**

Offered by Councilman Palcovic

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on June 10, 2009, and

**WHEREAS**, Mr. Jennings - Golf Pro-Greenskeeper-Manager, reported to the board on the condition of a shed on the golf course near the 8<sup>th</sup> hole, that being a caved in floor, and

**WHEREAS**, Mr. Jennings asked the board if the building could be torn down and eventually a slab would be poured so that he could store materials on it, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to allow the shed to be torn down near hole #8 on the Nick Stoner Municipal golf course.

Unanimously carried

Mr. Jennings reported on the work being done on the 4<sup>th</sup> hole. There is a huge ledge of rock there 12 inches down. He would like to build a new green. It would be raised up four feet behind the existing green and 18 yards behind it. It will take man-hours, fill, and grass seed to build this. He expects it to take about two months.

*Weeds* – Mr. DeWeese reported the divers had removed 60 baskets of Eurasian milfoil during the first week of harvesting. They are working in the middle of the lake and also an area by the State Campsite. There is a large patch to the left of Kowalski’s point. He will let the people from West Caroga Lake Assoc. know that on July 1, 2, & 3<sup>rd</sup>, they will work to remove four patches on that lake. Mr. DeWeese is working with the same staff as last year. He will give a presentation to the Canada Lake Protective Assoc. on July 11<sup>th</sup>. He noted that they have lined up some lake stewards. Posters have been posted, at the East Caroga Lake boat launch, to be aware that divers are in the waters.

At 7:35 pm the public hearing on Proposed Local Law # 2 was closed.

**Resolution to adopt Local Law #2- 2009 entitled “Town of Caroga Minimum Conditions for Maintenance of Structures, Equipment, and Exterior Property.” #2009-039**

Offered by Councilman Sullivan

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on June 10, 2009, and

**WHEREAS**, the Planning Board, and Code Enforcement Officer identified a need to change wording in Local Law #2- 2005 and have worked with the Town Attorney Susan Palmer Johnson to review the previous law, and

**WHEREAS**, a notice was placed in the Leader Herald Newspaper on May 18, 2009 announcing this evenings public hearing, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to adopt Local Law #2- 2009 which would set the minimum conditions for maintenance of structures, equipment, and exterior property in the Town of Caroga upon filing in the office of the Department of State and shall supercede Local Law #2 –2005.

By Roll Call Vote:

Supervisor Selmsler – Aye

Councilman Palcovic – Aye

Council Member Scribner – Aye

Councilman Sullivan - Aye

Councilman Sullivan thanked everyone who worked on the Local Law revision.

*BTI* – No Report - Mr. Jennings asked how the town can get the word out that the town has this program to control black flies on the golf course. One suggestion was to have Richard Nielson write an article on it. He works for the BTI Dept. and also is a writer for the newspaper. Perhaps a pamphlet could be developed to be e-mailed or mailed out. The information could be posted on the town website and in the 2010 Directory.

*Youth* – Desiree Hines – The Director held a staff meeting on June 17 at town hall. She submitted a list of summer recreation 2009 staff and their positions. Five of the staff are returning to the program from last year and three new staff have been hired. She was not aware that her budget request had been changed. She put in for a 3% increase and also had budgeted for an extra person incase the number of kids attending recreation warranted another staff person. A list of salary adjustments was given to the board. She asked for an increase of \$150.00 for the director, an

increase for the head counselor of \$50.00. She asked that three Aids in their 3<sup>rd</sup> year be increased \$100.00 each, two-second year aids an increase of \$50.00 each, and a first year lifeguard salary was asked to be set as \$1456.00.

**RESOLUTION to set salaries of Youth Program Staff**

**#2009-040**

Offered by Councilman Palcovic

Seconded by Councilman Sullivan

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on June 10, 2009, and

**WHEREAS**, Desire Hines – Youth Director asked the board to adjust the salaries of her returning staff and to create the position of Lifeguard, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to set the salaries for 2009 as follows:

- Youth Director - \$2,882.00
- Bus Driver \$14.00 per hour estimated at \$1,272.00
- 2 Teachers at \$1776.00 each
- One Head Counselor \$1584.00
- One Returning Lifeguard - \$1556.00
- 1 – 3<sup>rd</sup> year aides at \$1372.00 each
- 2 – 2<sup>nd</sup> year aides \$1322.00 each
- 3 – 1<sup>st</sup> Year aid \$1272.00
- 1 First year Life Guard - \$1456.00

Unanimously carried

It was recommended that the Youth director attend the budget meeting this year.

*Clerk/Registrar* – Linda Gilbert submitted her monthly revenues report. I submitted a voucher to attend the 3<sup>rd</sup> Year of Municipal Clerk program at Cornell University in July.

**RESOLUTION to allow Town Clerk to attend the IIMC training**

**#2009-041**

Offered by Councilman Sullivan

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on June 10, 2009, and

**WHEREAS**, the Town Clerk discussed with the board the certification program at Cornell University sponsored by the International Institute of Municipal Clerks, and

**WHEREAS**, this is the third year of the program to gather points to obtain the certification, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to allow the clerk to attend the training with the expenses coming from her account A1410.4.

Unanimously carried

Assessor's Report – Katherine Hillock gave the board her monthly report. In it she noted that Board of Assessment Review decision letters went out on Friday. The report included a bulletin re: payments on taxable assessments on state land - close attention to APA aggregate additional assessment and transition assessment totals is advised she states in her report. The final roll should be filed with the Town Clerk on July 1<sup>st</sup>. She attended Continuing Ed. classes in Albany, which she found to be informative.

### **Supervisor's Report**

Report on meeting with AT & T – they came to Caroga Lake and met with Supervisor Selmsler. They want to grow their business and hope to have something in place in Caroga in the third quarter of next year.

Supervisor Selmsler has scheduled a meeting with local businesses and the Chamber of Commerce on June 11<sup>th</sup>.

Local Contractors List for purchase of goods – to be reviewed at a future date

Bleecker Garbage Contract – revision, the town attorney will review the contract. Any changes will need to be done prior to the 2010 budget process in both municipalities.

### **Committee Reports**

*Buildings and Grounds* – the Code Officer is finalizing Bid specifications. They are expected to be completed by the beginning of next week. A bid opening at the next meeting is anticipated.

*Park Creation* - Council Member Scribner reported that David Knapp and the highway department are doing landscaping work. They will be leveling, creating gravel paths, and hydro seeding. There are five gardens that individuals may want to design in memory of loved one. Paperwork has been submitted for reimbursement of the \$13,000.00 we have spent on the park.

*Golf Course* – nothing new to report

*Cell Service* – Council Member Scribner, noted that Verizon sold most of its towers to AT&T

### **Old Business:**

Lake Steward for Canada Lake - there hasn't been any further contact or discussion with CLPA on this issue. The Board has some concerns about a stewardship and no action was taken.

### **New Business:**

Fireworks @ Pine Lake on July 3<sup>rd</sup> at dusk – authorization of paperwork - Supervisor Selmsler signed the application. Council Member Scribner asked if the town was going to donate toward the event as it does promote tourism. The town has in the past contributed toward advertising for the fireworks.

The Caroga Historical Assoc. asked the town to waive the fee for a building permit. The museum is looking to build a structure over an antique piece of machinery valued at \$25,000.00.

### **RESOLUTION to waive a permit fee**

**#2009-042**

Offered by Councilman Palcovic

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on June 10, 2009, and

**WHEREAS**, a member of the Caroga Historical Association contacted the code enforcement officer about building a structure over a piece of antique machinery to protect its value and so it may be viewed by the public and stored out of the elements, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to waive the fee for the building permit for the Caroga Historical Association a not for profit association.

Unanimously carried

The clerk noted that there would be a safe boating course taught by certified instructor Howard Sherman on June 27 and July 11 at town hall.

**Correspondence:**

Fulton Co. Solid Waste latex pain exchange info and Hazardous Waste Drop off day Aug. 8th Girvin & Ferlazzo 5-18-09, 6-4-09, and 6-5-09 - Joseph Herms attorney Cynthia Feathers has filed a notice of motion to reargue a discussion and order from the Supreme Court Appellate Decision - Third Department.

July 4<sup>th</sup> Holiday – Saturday Caroga Transfer Station Closed

**Resolutions:**

**RESOLUTION to authorize Nick Stoner Seniors to spend funds for a trip #2009-043**

Offered by Council Member Scribner

Seconded by Supervisor Selmsner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday June 10, 2009, and

**WHEREAS**, the Nick Stoner Seniors scheduled a trip to Turning Stone Casino on June 9, 2009 via Brown Coach PO Box 653 Fonda NY 12068 and have asked the board to spend funds in the amount of \$745.00 from account #A6772.4, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby authorize the expenditure for the trip.

Unanimously approved

Treasurer Shirley Holliday reported that 46 people went on the trip.

The Town Board has at previous meetings discussed instituting a personnel policy. Councilman Palcovic brought information to the board from a policy in place at his workplace regarding use of Town Property.

**RESOLUTION to set Personnel Policy #2009-044**

Offered By Councilman Palcovic

Seconded by Councilman Sullivan

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday June 10, 2009, and

**WHEREAS**, the board desires to set a policy for use of Town Property by its' employees, now therefore be it

**RESOLVED**, that a Town employee shall not appropriate or use Town-owned, -leased or -rented property including vehicles or equipment for other than official business. Further, Town employees shall exercise all reasonable and prudent measures to preclude the same for any unauthorized possession or use. The use of town-owned equipment or private use of such equipment is not permitted, and such a violation is subject to discipline. First a verbal warning will be given, second a written warning is issued and with a third violation time off from work and loss of wages, and be it further

**RESOLVED**, that each employee shall be given a copy of this policy and shall review and sign a document acknowledging the policy.

Unanimously carried

Town employees will be notified of the new policy.

Supervisor Selmsler received a correspondence from Attorney Susan Palmer Johnson outlining a few changes to the current Procurement Policy.

**RESOLUTION to amend resolution # 85/96** **#2009-045**

Offered by Council Member Scribner

Seconded by Councilman Sullivan

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday June 10, 2009, and

**WHEREAS**, the board desires to update the procurement policy of the town, previously approved in 1996 by resolution number 85, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to amend said resolution per adding the text indicated in italic & underlined in the following document.

Procurement Policy

**Guideline 1.** Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law (GML). Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "Purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchases activity.

**Guideline 2.** All purchases of a) supplies or equipment which will exceed \$10,000.00 in the fiscal year or b) public works contracts over \$20,000.00 shall be formally bid pursuant to GML, S103.

**Guideline 3.** Purchasing Policy

All purchases over \$1,000.00 must be approved by the Town Supervisor with a signed purchase order documenting material or service and all estimated purchases for supplies and equipment:

Less than \$10,000.00 but greater than \$5,000.00 require a written Request For Proposal (RFP) and written /fax quotes from at least 3 vendors, subject to board approval.

Less than \$5,000.00 but greater than \$1,000.00 require an oral request for the goods and oral/fax quotes from at least 2 vendors, subject to board approval.

Less than \$1,000.00 but greater than \$250.00 are left to the discretion of the Purchaser, subject to board approval.

Under \$250.00 left to discretion of Purchaser.

**All estimate public works contracts of:**

Less than \$20,000.00 but greater than \$10,000.00 require written RFP and Fax/proposals from at least 3 contractors, subject to board approval.

Less than \$10,000.00 but greater than \$5,000.00 require a written RFP and fax/proposals from at least 2 contractors, subject to board approval.

Less than \$5,000.00 but greater than \$500.00 are left to the discretion of the purchaser, subject to board approval.

Under \$500.00 left to discretion of purchaser.

Any written RFP shall describe the desired goods, quantity, and the particulars of deliver. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

**Guideline 4.** The lowest responsible proposals or quote shall be awarded the purchase of public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**Guideline 5.** A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the Purchases shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the required number of proposals or quotations change the circumstance.

**Guideline 6.** Pursuant to general Municipal Law, Sect. 104, the Town and its departments therein are authorized to make purchases, in excess of \$500.00 of materials, equipment and supplies (except printed material) through the N.Y.S Office of General Services (OGS), subject to rules established by OGS (see State Finance Law. Sect. 163). Section 104 provides that purchases by political subdivisions and districts through OGS are excepted from competitive bidding requirements. A political subdivision may purchase numerous items at the same prices and under the same terms and

conditions as the State. Under Section 104, all purchases are subject to audit and inspection by the Town and the Town must accept sole responsibility for payment to the vendor.

**Guideline 7.** Except when directed by the town board, no solicitation or written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services
- b) Emergencies
- c) Sole source situations
- d) Goods purchased from agencies for the blind or severely disabled
- e) Goods purchased from correctional facilities
- f) Goods purchased from another government agency
- g) Goods purchased at auction
- h) Goods purchased or less than \$250.00
- i) Public works contracts for less than \$500.00

**Guideline 8.** This policy shall be reviewed annually by the town board at its organizational meeting or as soon thereafter as reasonably practicable.

Unanimously carried

**RESOLUTION to go out to bid**

**#2009-046**

Offered by Councilman Palcovic

Seconded by Councilman Sullivan

**WHEREAS,** the Caroga Town Board held its regular monthly meeting on Wednesday June 10, 2009, and

**WHEREAS,** the board held a work session on June 19, 2009 to go over the specifications for the utility shed building they plan to construct to house heat, phone, and utilities services in as the oldest section of the old Wheelerville school is in disrepair and the services are currently housed in the basement of that structure, now therefore be it

**RESOLVED,** that the Caroga Town Board does hereby move to have Code Enforcement Officer Michael Heberer draw up specifications for the proposed structure and that bids will be opened at the next monthly town board meeting on July 8, 2009.

Unanimously Carried

Supervisor Selmsler made a motion to pay the bills as presented for audit, accept the minutes of the May meeting and May 19<sup>th</sup> work session. Council Member Scribner seconded the motion. All board members agreed.

At 8:20 pm Councilman Sullivan made a motion to adjourn, Council Member Scribner seconded the motion. All board member were in agreement.

Respectfully Submitted,

Linda M. Gilbert – RMC  
Caroga Town Clerk