

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday August 12, 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, Lita Hillier - Budget Director, Kathi Hillock – Assessor, and Jack DeWeese – Weed Harvesting Coordinator. There were approximately 36 members of the public in attendance.

Supervisor Selmsler opened the meeting at 7:00 pm. Following the roll call and the flag salute the reading of the minutes of the July meeting were waived.

Barbara Germain and Steve VanArnum representatives from the Johnstown Public Library presented statistical information to the board on the number of Town of Caroga users for 2008 and how it impacts their budget. She thanked the board for the 19 years of support that the town has given the library. She stated that the amount in 2008 was \$2,000.00. There has been an increase of usage by Town of Caroga users – a total of 1618 items were checked out by people from the town. This is an increase of about 19% over last year's total circulation. Almost 10,000 people use the Internet computers during the year, the summer reading program has over 2000 children. The library also has two public meeting spaces. Over 12,000 items were borrowed through the inter-library loan. In 2008 – almost 85,000 people visited the library.

Steve VanArnum compared the total circulation of the library with the percentage of Caroga library users, who made up 2.1%, with the budget of \$371,931.00. They asked the town board to donate \$7,811.00 for next year. He also thanked the board for their continued support. Most of the money comes from the City of Johnstown. He noted that the color brochure is a result of a grant they obtained. Supervisor Selmsler asked what they estimated they receive in gifts and donations each year. Mrs. Germain responded 25% the City of Johnstown is covering approximately 75% of the budget.

Public:

George Haney- resident of S. Shore Rd. East Caroga Lake commended the weed harvesting crew for the work they did last week on his side of the lake removing the Eurasian milfoil.

Claudette Tichacek of Lakeview Ave. has concerns about the new culvert pipe put under East Shore Rd. W. Caroga. It is large in diameter and open at the end. She is concerned small children might go into it. She would like a screen or something to cover the end of the pipe. She also asked if someone were hurt who has the liability for this. Councilman Palcovic responded

everyone in the neighborhood –its called vicarious liability. Councilman Sprung stated there are series of pipes that can be place there –reducing the size at the end. Supervisor Selmsler responded that there is intent to do some more work there to develop a better ditching system. Repaving will also be done. He believes it will be worked on next week.

Dona Goldman commented on a recent article in the in the Leader Herald by Marion Cheney in a letter to the editor. “She made some good points.” Mrs. Cheney questioned the Caroga Junk Law, the closing of Lane Rd. (which is now opened), and the new store that was denied. Lastly Mrs. Cheney commented on the old Wheelerville School, which she thought was historic, and should not be torn down. Supervisor Selmsler responded that the old school is not on the historic register. The code officer does issue citations. There are some issues with the follow through that the board is trying to address. The store is a zoning issue – what is allowed in certain areas. It is zoned residential “and a lot of people would like to keep it residential. The planning board is going to make recommendations and try to get changes made in 6 – 8 months.”

Barb Shearer – S., Shore W. Caroga Lake is concerned for something that happens when they are not here in the winter. The ice fishermen are using their land to put in their ice fishing huts and to get out on to the lake. They run over their fence even though there are posted signs. Councilman Sprung noted that many put in over by Sherman’s. The property owner should contact the Sheriff’s Dept.

Janet Morey – N. Shore Rd. W. Caroga Lake asked about the status of that road. She noted the improvement of the road by the placing of rubble on the corner of Thompson Rd. Still at the end of her driveway there is a 15-inch pipe with rubble. The ditch on the other side of the road still drains under her house. Mr. Insogna has been very helpful.

Department Reports:

Highway – No Report, except Lane Road is open.

Code Enforcement & Sanitation – Mr. Heberer submitted a written report: from July 8 to August 12th there were 15 building permits and 4 sanitation permits issued.

Dog Control – no report

Golf Course – Mr. Jennings reported the revenue to date is \$158,657.00. Last year on this date it was \$156,641.00 so we are up a little bit. The course has been open 100 days on 37% of them it has rained. The course is undergoing routine maintenance. They are starting to do some fall projects. The front nine tee’s were airified, seeded, and top-dressed today. The day after Labor Day they will be doing the same to the greens. It is a three-day project. Mr. Jennings asked the golf course committee to take a look at the project on the 4th green. He wants to start grading the area so it is settled in before the winter. He would like to sod it. Seeding is risking. It would be 5500 sq ft of sod. He is looking at the prices now.

Councilman Sprung and Council Member Scribner asked about the Monday discount for the fall. Mr. Jennings noted that September is still a busy month. The coupon did draw a lot of new people. Supervisor Selmsler suggested doing it after Labor Day and for the months of September and October.

Council Member Scribner noted a major problem of goose droppings on #7. Mr. Jennings contacted DEC last year, they were going to come up but didn't. He noted there a liquid to spray on the ground that is supposed to detour them. The 7th, 6th and 8th green are affected by this problem. The spray is expensive \$125.00 per gallon and would not be enough to cover the three areas. Supervisor Selmser suggested calling DEC again.

BTI – No Report

Weeds – Mr. DeWeese submitted a written report dated July 27, 2009. He told the board “there is a real problem we have to address.” He has met with the East and West Lake Associations. They discussed and worked through many options. The best one is to have two teams of divers each working 4 hours per day. Mr. DeWeese noted that this year they spent a lot of time at West Caroga Lake and they got about 90% of the weeds. Because of that they are only going to get about 60 – 65 % of the weeds on East Caroga. Mr. DeWeese spoke to DEC and APA the permit will allow for two teams. This is a one-year request. The APA will be down to see how this works. The cost would be going from \$21,125.50 this year to \$36,422.40 minus the \$8,000.00 grant thus making an additional cost to the town of \$7,296.90. This would add an additional one or two cent per thousand on the tax rate. This is only a one-year thing. “If we can do a good job for next year with two teams we won't be here next year requesting the same thing.” Mr. DeWeese commended Joe Garofalo, Pat Hopper Dori Nicholson, and Tor Shekerjian from the lake associations for the time spent on this issue. There is a new chemical called Renovate. Renovate only attacks dicot weeds (weeds that have a growth pattern from two different directions the root and the leaf.) It is very expensive. The APA is doing a three-year study of this product in Saranac Lake and Eagle Lake. This may be something we can look into in 3 – 5 years. Saratoga Lake is using it and it cost them \$120,000.00 plus the cost to evaluate the fish and plant life. So far things are going well with it.

Mr. DeWeese would like a town board to create a new committee, for the weeds, and to have one of the board members serve on this committee.

The five-year permit to harvest milfoil will expire this year. Kathi, Hillock, Linda Gilbert, and Mr. DeWeese have already done the necessary work to gather the information to submit for another permit, which would run from 2010 to 2014.

The divers are working near the campground - on that shoreline for the 12 days they have remaining of the program.

Council Member Scribner asked if the grant money for the weed program was going to be available in the future. At this time it is unknown if the money will be available again.

The figures have been given to the budget director and the board for next years budget. Mr. DeWeese noted there were a lot of supporter of the weed program and voters in attendance this evening. The board agreed that the lake is our livelihood. Supervisor Selmser asked if there were any other grant money out there because of the prolific weed problem this year. Mr. DeWeese has contacted SEPRO who indicate there may be some grant money available for programs that are ongoing. It was noted that the half-life of Renovate is 3 days. The half-life of Sonar is 30 days with no boating, swimming, or drinking of the water during that time. (Mr. DeWeese received a round of applause)

Youth - Desire Hines submitted a written report. She stated there were 77 children signed up for the program with the average attendance of about 45 campers. They went on 6 field trips and

spent time swimming, playing games, doing arts and crafts, and watching movies when it rained. A photo album will be put together of the 2009 program.

Clerk/Registrar – Town Clerk Linda Gilbert submitted her July monthly report of fees collected in her office. A budget transfer is needed into my contractual account.

Assessor's Report – Kathi Hillock – Assessor submitted a written report. She stated that the office of real property was here in the office last Wednesday to update the computers. There were 3 small claims and 2 tax certioraris filed. She attended training in Albany for continuing education last Monday.

Supervisor's Report – activities Mr. Selmsler was involved in the past month.

1) Sand & Salt - A meeting with DEC last week regarding the areas where these materials will be stored went well. Previously there was an order to make improvements and corrections which we anticipated costing hundreds of thousands of dollars. We've come up with solutions we can take care of ourselves for around \$10,000.00. DEC is willing to enter a third amended order on consent to bring this matter to closure. Any penalties will continue to be suspended.

2) Time Warner Franchise Agreement – The town attorney has reviewed the contract. The board has talked about the fees. A representative of Time Warner will be available to attend a future meeting. The board set a public hearing on the matter at the September meeting.

3) Bleecker Garbage Contract – the board is looking to increase the amount of the contract from \$19,000.00 to \$20,000.00 in 2010. Money should be put aside to replace the vehicle in 6 or 7 years.

4) Canada Lake Assoc. held their annual meeting on July 12th. There was a presentation on loons that they hope will be presented again next year on July 2 if funding is obtained.

5) There was a Software Demo of a payroll and accounting program on July 15. Lita Hillier explained that new hardware might also be needed. She interviewed the current company, which bought out the previous owner of our software. Support is dwindling on this program. She has interview two companies and there are pro's and con's with both. She wants to contact one more vendor of this type of product and then she would like to visit other towns that use the program. Eventually we are going to have to upgrade the software, which is 11 years old. A new laptop with more memory and perhaps a new printer will be needed. She noted that as in the past money can be saved because the other towns that Mrs. Hillier works for will split the expenses. She wanted to let the board know about this upcoming expense.

6) On July 16th NYMIR conducted a Driver Safety and lifting techniques seminar in the town.

7) NYMIR will be giving a payback to founding members and the town of Caroga was a founding member. It is not known yet how much the town will receive.

8) Supervisor Selmsler met with Frank Parker Fulton County Real Property Director on July 27 to discuss any help he can give to our assessor.

- 9) A tour was conducted at the Fulton County Landfill – Mud Road site on July 28.
- 10) Don Stock and Supervisor Selmsler spoke on August 4 re: golf course roof. He plans to finish the job in the near future.
- 11) Last Friday a room in the back section of the old building was demolished. Three of the employees and the Highway superintendent did the job and also removed the debris. Councilman Palcovic noted it was a cost effective to do it in house.

Committee Reports

Park Creation - Council Member Scribner reported that topsoil and crusher run have been delivered to the site. The pad for the gazebo will be put in soon. Last weekend 5 volunteers did work on the park. She is pricing Arborvitae trees for the park. Council Members Scribner has also ordered the fence for the park.

Cell Service –Council Member Scribner reported that she hasn't had any more feedback from Verizon about cell service. "The ball is in their court."

Supervisor Selmsler did an analysis of the financial reports of the town. He compared last years year to date expenses and income and found we are ahead in most revenues and there have had less expenditures year to date than last year. The Highway Superintendent will be submitting more bills for reimbursement from the CHIPS fund.

The town did receive a bill from Mcphilips, Fitzgerald, & Cullum LLC, the attorneys representing several towns in an action against the Adirondack Park Agency.

Old Business:

New Business:

Labor Day Holiday Town Hall Closed Monday Sept 7, 2009.
Go out to bid for phase 2 & 3 of utility building. The bid specifications were not ready yet.

Correspondence:

- 1) Fulton County Solid Waste – upcoming Labor Day Holiday – the Caroga Transfer Station will be closed on Monday the 3rd but open on Tuesday from 7am – 4pm.
- 2) Gloversville Public Library sent a letter regarding the funding from the outlying towns and the services they would be able to provide based on their contributions.
- 3) The Bleecker Fish & Game Club Inc. sent a donation for our Summer Recreation program. Mrs. Hillier sent a thank you to them.
- 4) Nathan Littauer Foundation Inc. sent a thank you for the donation of the greens fees for their tournament.

Resolutions:

Mark Yost Superintendent of Highways sent Supervisor Selmsler the Fulton County Snow & Ice Control Contract for 2009 – 2010. There were no changes in the rate paid from the prior year. The Fulton County Board of Elections passed resolution 275 authorizing the agreement. Council Member Scribner asked if anyone asked for an increase in the contract No one had.

RESOLUTION to contract for Snow Removal & Ice Control with Fulton County #2009-058

Offered by Council Member Scribner

Seconded by Councilman Sprung

WHEREAS, the Caroga Town Board held its regular monthly meeting on August 12, 2009, and

WHEREAS, the Highway Superintendent Joseph Insogna did receive the 2008-2009 Fulton County Highway Department Snow Removal and Ice Control contract, and

WHEREAS, the Caroga Town Board did review the contract and that the contract will be on file in the Town Clerks office, now therefore be it

RESOLVED, that the Town of Caroga does hereby move to undertake Snow Removal and Ice Control for the winter of 2009-2010 on County Road No. 111 and 137 - total miles 5.15 price per mile \$5,000.00 with the total contract being \$25,000.00.

Unanimously approved

Three copies needed to be signed by the board and sealed by the town clerk.

Councilman Sprung asked about the recent personnel policy put in place regarding the use of town property. Supervisor Selmser noted that the majority of the employees signed the agreement. He did not have the BTI; Lifeguards or youth program employees sign them.

Budget Director Lita Hillier gave each board member a list of necessary transfers.

RESOLUTION to make necessary budget transfers #2009-059

Offered by Councilman Sullivan

Seconded by Council Member Scribner

WHEREAS, the Caroga Town Board held its regular monthly Town Board meeting on Wednesday August 12, 2009, and

WHEREAS, Lita Hillier Budget Director has indicated a need to make the following transfers as follows:

TO: A1930.4 – Judgments & Claims	\$950.00	
FROM: A1990.4 – Contingent		\$950.00
TO: A4050.11 – BTI Techs. P.S.	\$2,575.80	
FROM: A1990.4 Contingent		\$2,575.80
TO: A1410.4 – Town Clerk	\$ 800.00	
FROM: A1410.2 Town Clerk E.Q.		\$400.00
FROM: A1990.4 Contingent		\$400.00

Now therefore be it RESOLVED, that the Caroga Town Board does hereby move to make the necessary transfers as indicated above.

Unanimously Carried

At 8:00 pm Councilman Palcovic made a motion to enter into an executive session to discuss a workman compensation case and legal issues from the Board of Assessment Review. Council Member Scribner seconded the motion. The motion was unanimously carried.

At 8:38 pm Supervisor Selmsler made a motion to exit from the executive session and go back into the regular session. Councilman Palcovic seconded the motion. All board members agreed.

RESOLUTION to hire Appraiser **#2009-060**

Offered by Councilman Sprung

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its regular monthly Town Board meeting on Wednesday August 12, 2009, and

WHEREAS, an executive session was held with the Town Assessor Kathi Hillock to discuss pending litigation on two properties in the town; Dorothy Nanek and Frank Champitto regarding the property at 193 North Shore Road West Caroga Lake and also Richard Clark (LU), Linda Clark, and John Olm regarding the property at 216 Fulton Road in the town of Caroga, and

WHEREAS, Comparables Are Us Inc. (Len Fiore State Certified General Appraiser) 135 Mohawk Avenue Scotia NY 12302 was recommended to the board to do appraisals for the town, now therefore be it

RESOLVED, that the Caroga Town board does hereby move to hire Comparables Are Us Inc. for the price to appraise 216 Fulton Road to be \$500.00 as it consists of two parcels and the fee for Champitto/Nanek to be \$275.00.

Unanimously Carried

RESOLUTION to hire the law firm of Girvin & Ferlazzo **#2009-061**

Offered by Councilman Sprung

Seconded by Council Member Scribner

WHEREAS, the Caroga Town Board held its regular monthly Town Board meeting on Wednesday August 12, 2009, and

WHEREAS, an executive session was held with the Town Assessor Kathi Hillock to discuss pending litigation regarding two certiorari issues in the town, and

WHEREAS, the board discussed and decided upon a course of action to be taken in these matters, now therefore be it

RESOLVED, that the Caroga Town Board does hereby authorize and does so move to hire the law firm of Girvin & Ferlazzo of 20 Corporate Woods, Blvd. Albany NY 12211 to represent the town in two tax certiorari petitions; Dorothy Nanek and Frank Champitto regarding the property at 193 North Shore Road West Caroga Lake and also Richard Clark (LU), Linda Clark, and John Olm regarding the property at 216 Fulton Road in the town of Caroga at a rate of \$175.00 per hour.

Unanimously Carried

Councilman Sprung asked if it was necessary to make a resolution to have the Town attorney represent the town on the other assessment issues going to small claims court. Supervisor Selmser did not think it was necessary. He will talk to Attorney Susan Palmer Johnson regarding the two issues.

Councilman Sprung made a motion to pay the bills as presented for audit, accept the minutes of the July meeting and the July 30th work session. Councilman Palcovic seconded the motion. All board members were in favor of the motion.

At 8:42 pm Councilman Palcovic made a motion to adjourn. All board members agreed.

Respectfully Submitted,

Linda M. Gilbert – RMC
Town Clerk