

State of New York
County of Fulton
Town of Caroga

Minutes of the regular monthly Caroga Town Board meeting held Wednesday December 9, 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 Katherine Hillock – Assessor. Councilman Elect Anthony Russitano, two members of the public and two students from the PIGS class were in attendance.

Supervisor Selmsler called the meeting to order at 7:00 pm. After the flag salute the supervisor asked if there were any public comment.

Public:

Mr. Falvo had a concern about a statement, made by Mr. Heberer, in the October minutes about the Elgin system at his residence. Mr. Falvo states that in his talks with Elgin the system is half the minimum size and it should not have been installed the way it was installed. The board discussed the problem with Mr. Falvo. The board suggested that an engineer be consulted.

Department Reports:

Highway – Mr. Insogna left word the town clerk that a highway truck broke down this morning. They were able to repair it. Another truck was stuck. He started early this morning and worked late, thus he was unable to attend the meeting.

Code Enforcement & Sanitation – Mr. Heberer submitted a written report for November 10th to December 9, 2009 three building permits were issued, one heating, and two sanitation permits. He was unavailable to come up due to the weather.

Dog Control – Mr. Dutcher submitted a written report – He received 9 calls for the month, issued two tickets, and responded to two dog bites. He also went to court on a hearing with Attorney Susan Palmer Johnson present to represent the town. There was a \$300.00 fine given by the judge as well as other stipulations still pending.

Council Member Scribner recommended having the town attorney present for other cases (code violators) before the judge. Councilman Palcovic agreed and thought it would eliminate some of the revolving door cases.

Golf Course – No Report the course was closed as of November 22, 2009.

BTI – No Report

Weeds – No Report

Youth - No Report

Clerk/Registrar – The ad is ready to go in the newspaper for All Claims Against the Town for 2009. All bills should be submitted by December 28th for payment at the 29th meeting. The Clerks Office will be closed Dec. 26, Jan 1st & 2nd

A news in brief for the year-end meeting 12/29/009 7 pm and Reorganizational meeting on Jan.5th at 7:00 pm will be called in.

Assessor's Report – Mrs. Hillock informed the board that the conference for the Clark tax certiorari matter was adjourned until December 15th. The appraiser for the town did call both of the parties and he has not been able to go into the homes. He will try again.

She gave the board three quotes for a new computer. They are pretty much the same price. She prefers the vendor who knows the program she uses and can trouble shoot any problems. Councilman Palcovic suggested asking for one hour of free consultation with the purchase.

The board was also given an email from the ORPS office on how they decided to cut municipal aid in the amount of 14.5% for consolidation aid or aid for a revaluation. The Town of Caroga only receives STAR aid – she is assuming it will be decreased.

She is busy with exemptions and senior exemption letters will go out by the end of the month.

Supervisor's Report

One Monday Supervisor Selmsler attended an Adirondack Assoc. of Towns & Villages meeting. Several speakers discussed their hopes and dreams for holding the 2022 Olympics in the Lake Placid, Saratoga, and Albany region. The construction in Malta was discussed as it pertained to benefits for a wide area. Two attorneys discussed the suit against the APA and their concerns of the judge's 31-page ruling on the four principal areas, which addressed the suit brought by the Counties and the Towns. The lawyers think there is a possibility to challenge it. "They were very surprised that the judge voted and found in favor of the land owners but at the same time on those same principals found against the county. Stating that legally the legislative statute doesn't allow them to sue the state on those grounds."

Councilman Sprung stated that the current new regulations would stand. It is difficult to add on to structures currently within the APA lake front setback. Recently the APA overturned a decision by the town Zoning Board of Appeals. Supervisor Selmsler stated that the APA has gone around taking pictures from the lake and from the air of all of the properties on the lakes.

There was a speaker from the USDA and he brought up information available about loans and grants. From what he was saying if the town has a need in the future for construction for a municipal building we could be approved through the USDA for low cost funding up to 40 years. Supervisor Selmsler will pursue this with our local representatives.

Councilman Sullivan stated that if the APA were serious about helping the lakes they would make sure there was municipal sanitation systems around the lakes. Supervisor Selmsler thought they were concerned with this issue as well. I was noted that the programs are based on income levels. Councilman Palcovic noted that is where the town stumbled before – there was progress up until that point. Supervisor Selmsler wants to still pursue it in 2010 or 2011.

A representative from the APA discussed their upcoming meeting in March. The board was given a survey to fill out to see what sessions they would be interested in. Councilman Sullivan may attend.

Financial Report – In the general fund – Revenues are up verses last year due to some taxing streams we are ahead \$207,745.00. In the highway area there are similar numbers – the net is about \$106,000.00. There was extra money from the CHIPS fund.

Supervisor Selmsler noted there were some CD's invested in February; a couple of them were cashed out in November when they matured. In highway \$150,000.00 was rolled over of a \$250,000.00 CD. Councilman Sprung asked if there were any bonds the town could invest in instead of CD's. Supervisor Selmsler thought it was best to go short term.

Council Member Scribner wondered if the purchase was made for the new loader. The town board is looking for more information on the lease purchase program from the Highway Superintendent. The state contract list will be consulted.

Councilman Sprung wants to have a policy in place to deal with any misuse of town equipment and reprimands for neglect. The insurance company is scheduling a training session for equipment, Supervisor Selmsler asked them to keep us informed of any upcoming training. Councilman Palcovic noted that this covered the safety aspect. He wanted to have the individual accountable for any unsafe act or property damage. The employees have to be held accountable.

Committee Reports

Buildings and Grounds – Utility shed – The shingles are on, but not visible due to the snow. Another 30% payment is due if everything looks good. Councilman Palcovic came up last week to get the bid specification for the electrical and mechanical of the project. The only thing Mr. Heberer could provide him with was a quote from Adirondack Mechanical. The councilman asked if there was a formal bid proposal drawn up? Nothing was bid; only an estimate was drawn up. Councilman Palcovic would like to bring another contractor in to look at it. Councilman Elect Russitano suggested having JR Hall Limited to look at the building, he has done work for the school. The project was being based on a transitional period that had to support this structure. The board thought it was worth a second opinion. The concept was to support the existing building while building a new town hall.

The clerk asked if the board wanted the solid stain put over the cedar siding. The cedar siding was an upgrade to the project at an additional cost. The board responded that the cedar was more durable.

Park Creation – no comments this evening

Golf Course –no comments this evening

Cell Service – Supervisor Selmsler noted that there are two competing companies who want to construct towers in the town. Landowners have been contacted. Independent Towers brought over a contract, which the supervisor will give to the town attorney to look over. They will meet with Mr. Heberer in the morning. This company is looking at the annexed town property. That tower may be about 70 ft high. Any tower constructed would have to have a variance, as it would be over 40 ft high. The APA is more agreeable to these towers, if the tower is linked to emergency preparedness. They will meet next Tuesday in the town, to start working with these companies. The other company is Rain Communication. There will be more than one tower in town. There are multiple sites these companies are looking at some are just outside the Town of Caroga. The company erects the tower and then contracts with the providers – AT &T, Verison etc. By the third quarter of next year cell service could be available in the town. Supervisor

Selmser stated the area needed for a tower on town property is approx. 75 x 75. The site would house a small building and one or two small towers.

Old Business:

Alternate Member Planning Board - Supervisor Selmser spoke to Scott Horton – Chairman of the Planning Board and he did not feel there was an immediate need to fill the vacant slot of the alternate. The matter was tabled and will be kept under old business.

A letter of interest was received from Dave Falvo to serve on the Board of Assessment Review. Supervisor Selmser noted that there are two openings. The supervisor has talked to a couple of other people to see if they were interested. No other letters of interest have been submitted. The assessor noted that mandatory training is not until April. Supervisor Selmser plans to make a decision by February.

Councilman Palcovic discussed with the board - old business, the salt/sand storage building. He noted that they had just built a new one at his workplace on a concrete pad. It is called Big Top – it is like a tent. He passed around an informational brochure. A 28 x 30 x 21 feet tall cost \$11,000.00 with a \$1,200.00 shipping fee. There are options and this is something the highway department can erect themselves. It has a 20-year life span. An asphalt pad was preferred. He will discuss this with the highway superintendent. Supervisor Selmser was satisfied with the solution that was arrived at with DEC this fall as long as the limits are not stretched. This is a low cost – semi permanent solution, in comparison to spending \$150,000.00 plus to build a structure. Oppenheim has one of these types of structures.

Supervisor Selmser thought that better long-term plans were needed for the annexed area if a cell tower goes in there.

Councilman Elect Russitano asked about compensation for town land used for a cell tower. Supervisor Selmser noted there is a monthly lease fee and one company gives a 3% increase per year on their rate plus on the area they are leasing a real estate tax is placed on the property and the equipment is assessed also. A rate of about \$1,000.00 per month is paid and usually there is a five-year contract.

New Business:

The Annual Holiday Luncheon with the school is Friday December 18th.

Correspondence:

Fulton County Resolution # 486 Authorizing inclusion of information in 2010 tax bills. Royal Mountain sent a certified letter notifying the town of the renewal of their Liquor License. Transfer station closed Dec. 25th and Jan. 1st open Dec. 26th and Jan 2nd

Resolutions:

RESOLUTION to Appoint Delegates for the Assoc. of Towns meeting #2009-084

Offered by Councilman Sullivan

Seconded by Councilman Sprung

WHEREAS, the Caroga town board held its regular monthly meeting on December 9, 2009 and

WHEREAS, the Caroga Town Board did discuss selecting voting delegates for the Associations of Towns Annual Conference held in New York City February 14 – 17, 2010, and

WHEREAS, Council Member Valerie Scribner and the Town Clerk – Linda Gilbert have expressed a desire to attend the conference, now therefore be it

RESOLVED, That the Caroga Town Board does hereby move to name Valerie Scribner as a voting delegate and Linda Gilbert as the alternate.

Unanimously Adopted

Councilman Palcovic introduced a work and rules policy for the highway department. He noted this is consistent with other local town highway departments. It would protect the town in the unlikely event there is a major problem like an accident. Operators should be qualified to drive the apparatus. He did not know the current CDL status of the current employees. This will minimize our liability. Supervisor Selmsler noted that the insurance company recommends that the town do everything possible to reduce our risk, and not add risk. This is a follow up on this philosophy. Supervisor Selmsler would also like to see vehicle maintenance looked at more closely to make sure it is getting done properly.

Councilman Palcovic continued that previously the board discussed the future full time employee's health insurance policy. The board discussed having them be responsible for a percentage of their health insurance – individual and family coverage. This is in the best financial interest of the town.

Supervisor Selmsler noted that the insurance broker came back with some narrative of some of the information he presented last week. The other choices should be looked at prior to budget time next year. Councilman Sullivan thought a good time to review the choices was in the summer. Council Member Scribner asked if only the highway dept. was going to be contributing to the insurance? Councilman Palcovic noted that this is for future highway dept. employees. They are the only ones now that get free coverage across the boards, outside of the existing employees who were grandfathered in. Councilman Sullivan recommended keeping the individual contribution to zero. There would be a charge for a spouse or family coverage. He also wanted an incentive for employees to opt out if the spouse has coverage. He thought a percentage of salary was a good way to do this. A rate of 2% of the salary for a two person and 4% of the employee's salary for the family coverage was suggested. Councilman Sullivan wondered how this was going to be paid – quarterly? Councilman Sprung discussed mandatory changes at his workplace regarding spousal insurance. Council Member Scribner suggested having the policy reviewed by the town attorney.

RESOLUTION – Work and Rules Policy for the Highway Department #2009-085

Offered by Councilman Sprung
Sullivan

Seconded by Councilman

WHEREAS, the Caroga Town Board held its regular monthly meeting on December 9, 2009 and

WHEREAS, it is the board desire to establish work rules and policy for the highway department, now therefore be it

RESOLVED, Effective January 1, 2010: All current full time Town of Caroga Highway Dept. employee's shall solely be responsible to obtain and maintain a NYS CDL driver's license

commensurate with their expected duties within 6 months of formal notification of this adopted policy. All future renewals and upgrades shall be the sole responsibility of the employee. All future employees of the Town of Caroga Highway Dept. shall possess a NYS CDL class driver's license as a condition of employment. Failure to comply with this directive shall result in disciplinary action up to and including a formal letter of discussion, a warning letter, and unpaid leave up to and including termination. And be it further **RESOLVED**, that future fulltime employees of the Town of Caroga Highway Dept. shall be responsible for contribution to the specified Health Insurance coverage at a rate of 0% of their salary for individual coverage, 2% of their salary for two person coverage, and 4% of their salary for family coverage.

Unanimously Carried

Councilman Sprung made a motion to pay the bills as presented for audit; accept the minutes of the November meeting & Dec. 2nd work session. Council Member Scribner seconded the motion. Unanimously carried.

At 8:05 pm Councilman Sprung made a motion to adjourn. Unanimously seconded.

Respectfully Submitted,

Linda M. Gilbert – RMC
Caroga Town Clerk